

July 22, 2022

<div>Page 1</div> <div>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK 2:20-CV-04026 ----- x SANTOS HERNANDEZ, EMANUEL De JESUS LIEVANO, AND MIQUEL ANTONIO VASQUES, Plaintiffs, -against- ROSSO UPTOWN, LTD., MICHAEL TIZZANO, MASSIMO GAMMELLA, Defendants. ----- x 200 Broadhollow Road Melville, New York July 22, 2022 10:00 a.m. EXAMINATION BEFORE TRIAL of MASSIMO GAMMELLA, a Defendant in the above-entitled action, held at the above time and place, pursuant to Order, taken before Anne Simpson, a shorthand reporter and Notary Public within and for the State of New York.</div>	<div>Page 3</div> <div>1 2 STIPULATIONS 3 4 IT IS HEREBY STIPULATED AND AGREED, by 5 and among counsel for the respective 6 parties hereto, that the filing, sealing, 7 and certification of the within deposition 8 shall be and the same are hereby waived; 9 10 IT IS FURTHER STIPULATED AND AGREED 11 that all objections, except as to form of 12 the question, shall be reserved to the 13 time of the trial; 14 15 IT IS FURTHER STIPULATED AND AGREED 16 that the within deposition may be signed 17 before any Notary Public with the same 18 force and effect as if signed and sworn to 19 before the Court. 20 * * * 21 MASSIMO GAMMELLA, the 22 witness herein, having first been duly 23 sworn by Anne Simpson, a Notary Public 24 of the State of New York, was examined 25 and testified as follows:</div>
<div>Page 2</div> <div>1 2 APPEARANCES: 3 4 5 MOSER LAW FIRM, P.C. 6 Attorneys for Plaintiffs 7 5 East Main Street 8 Huntington, New York 11747 9 BY: STEVEN MOSER, ESQ. 10 11 12 13 MASSIMO GAMMELLA, 14 Pro Se 15 24 Manor Haven Boulevard 16 Port Washington, New York 17 11050 18 19 20 21 22 23 24 25</div>	<div>Page 4</div> <div>1 M. GAMMELLA 2 MR. MOSER: Good morning, Mr. 3 Gammella. I am going to have some 4 questions for you today. 5 Do you understand that the 6 oath that you just took was the same 7 oath that you would take if you were 8 in court testifying? 9 THE WITNESS: Yes. 10 MR. MOSER: And you 11 understand that that oath that you 12 took in that oath you promised to tell 13 the truth and be truthful in all your 14 responses today? 15 THE WITNESS: Yes. 16 MR. MOSER: Do you know of 17 any reason why you would not be able 18 to testify truthfully or honestly 19 today? 20 THE WITNESS: No. 21 MR. MOSER: Are you suffering 22 from any memory deficit or other 23 condition which affects your memory? 24 THE WITNESS: No. 25 MR. MOSER: Would you said</div>

July 22, 2022

Page 5	Page 7
<p>1 M. GAMMELLA</p> <p>2 that you have a good memory?</p> <p>3 THE WITNESS: Average, normal</p> <p>4 memory.</p> <p>5 MR. MOSER: Okay.</p> <p>6 EXAMINATION BY</p> <p>7 MR. MOSER:</p> <p>8 Q. Please state your name for the</p> <p>9 record.</p> <p>10 A. Massimo Gamella.</p> <p>11 Q. Please state your address for the</p> <p>12 record.</p> <p>13 A. 24 Manor Haven Boulevard, Port</p> <p>14 Washington, New York 11050.</p> <p>15 Q. Have you ever been known by any other</p> <p>16 names?</p> <p>17 A. No.</p> <p>18 Q. The address that you gave as your</p> <p>19 residence, 24 Manor Haven Boulevard, do you</p> <p>20 reside at that address?</p> <p>21 A. Now, yes. Not before.</p> <p>22 Q. What is at that address?</p> <p>23 A. That's my workplace and that's why I</p> <p>24 am staying right now. I used to live someplace</p> <p>25 else obviously.</p>	<p>1 M. GAMMELLA</p> <p>2 it was before this lawsuit.</p> <p>3 I don't know if it's convenient. The</p> <p>4 house was in foreclosure. That's why I had to</p> <p>5 sell. That's another --</p> <p>6 Q. Okay. Have you ever owned any other</p> <p>7 real estate, other than 664 Flanders?</p> <p>8 A. In the last years? Are you talking</p> <p>9 about ever?</p> <p>10 Q. Ever.</p> <p>11 A. Ever, yes. I mean, I used to do --</p> <p>12 before my restaurant twelve years ago, I used</p> <p>13 to do actual real estate and I owned a few</p> <p>14 things. But it was just not to own it was a</p> <p>15 business thing. Used to buy a few things, fix</p> <p>16 it, sold it. But then all that went upsidedown</p> <p>17 and I moved to the restaurant and also been</p> <p>18 working regular twelve years. So there was a</p> <p>19 long time ago, yes.</p> <p>20 Q. Do you recall how much the Berrara</p> <p>21 case was settled for?</p> <p>22 A. I don't want to guess. It was not a</p> <p>23 large amount. Maybe 16,000, 17,000 around</p> <p>24 there. Honestly I don't really exactly recall.</p> <p>25 But it's got to be somewhere around there.</p>
Page 6	Page 8
<p>1 M. GAMMELLA</p> <p>2 Q. So you are living at the restaurant?</p> <p>3 A. In the back, yes, I rent a little</p> <p>4 place.</p> <p>5 Q. Where did you live previously?</p> <p>6 A. Well, I lived at my old house a long</p> <p>7 time ago. 664 Flanders Drive, Valley Stream,</p> <p>8 New York 11581. And I would be moving in with</p> <p>9 my girlfriend now.</p> <p>10 Q. When did you sell the Valley Stream</p> <p>11 house?</p> <p>12 A. Two, three years ago at least. Two</p> <p>13 or three years ago. I really don't recall it.</p> <p>14 But it's got to be two, three years ago. I</p> <p>15 don't recall the exact date.</p> <p>16 Q. Did you sell 664 Flanders before or</p> <p>17 after you were sued by Mr. Hernandez?</p> <p>18 A. Hernandez was this lawsuit? Because</p> <p>19 we had another lawsuit previous.</p> <p>20 Q. Correct. There was one other -- you</p> <p>21 are talking about Berrara.</p> <p>22 A. Berrara, we went through the lawsuit.</p> <p>23 I will still living there at that time and it</p> <p>24 was three years ago. And then I sold it after</p> <p>25 that. But we settled with Berrara. So I guess</p>	<p>1 M. GAMMELLA</p> <p>2 Maybe that much.</p> <p>3 Q. Do you know an individual by the name</p> <p>4 of Santos Hernandez?</p> <p>5 A. I believe that's the fellow that</p> <p>6 worked for me at the Uptown that has been</p> <p>7 closed now for years ago.</p> <p>8 Q. Are you speaking about Rosso Uptown</p> <p>9 Limited?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know an individual by the name</p> <p>12 of Emanuel De Jesus Lievano?</p> <p>13 A. Yes. Actually yeah, he worked as</p> <p>14 well there for a short period of time. And he</p> <p>15 came by to my place of work a few months ago.</p> <p>16 I don't know why. I don't know. We asked him</p> <p>17 why he was there. We have a lot cameras there.</p> <p>18 And he was recording. We have our own video</p> <p>19 talking about, wondering why was he there. And</p> <p>20 he said he was picking up his girlfriend's</p> <p>21 lunch and had no idea about the lawsuit. I am</p> <p>22 like okay. So he don't belong here. But we</p> <p>23 finally told him okay, and then he left.</p> <p>24 According to him then -- I don't know</p> <p>25 if it's truth or not -- I don't believe</p>

2 (Pages 5 to 8)

July 22, 2022

<p style="text-align: right;">Page 9</p> <p>1 M. GAMMELLA</p> <p>2 anything anybody says anyway -- he was there to</p> <p>3 just pick up lunch and he swears up and down</p> <p>4 that he has nothing to do with the lawsuit. He</p> <p>5 was there to pick up lunch with his girlfriend</p> <p>6 and he swears up and down that he had nothing</p> <p>7 to do with the lawsuit that we talked about</p> <p>8 because we asked him. And that was it.</p> <p>9 Q. Do you know an individual by the name</p> <p>10 of Miquel Antonio Vasques?</p> <p>11 A. Yes. Miquel Vasques, I know him as a</p> <p>12 figure but his name changed. So we didn't know</p> <p>13 if it was the same person. These guys</p> <p>14 sometimes they do use different names. And it</p> <p>15 takes us awhile just to investigate. But yes.</p> <p>16 I think that name Uptown, yes. But then he</p> <p>17 stopped working. And that was it.</p> <p>18 Q. Does Mr. Vasques work for you</p> <p>19 presently?</p> <p>20 A. Yes. Right. Now Mr. Vasques works</p> <p>21 there. And obviously as you know the story, he</p> <p>22 wants to sign and he wants nothing to do with</p> <p>23 anybody, not even me, talking about this case.</p> <p>24 Q. So just to summarize Santos</p> <p>25 Hernandez, Emanuel De Jesus Lievano, and Miquel</p>	<p style="text-align: right;">Page 11</p> <p>1 M. GAMMELLA</p> <p>2 A. Yes. This is the document that he</p> <p>3 signed because he didn't want nothing to do</p> <p>4 with the lawsuit.</p> <p>5 Q. Is your signature on this document?</p> <p>6 A. Yes. (Pointing.) Right here.</p> <p>7 Q. And so you -- above the name Michael</p> <p>8 Tizzano is your signature?</p> <p>9 A. No. This is my signature.</p> <p>10 (Pointing.) Massimo Gammella.</p> <p>11 Q. I apologize. Above Massimo Gammella</p> <p>12 is your signature?</p> <p>13 A. Yes.</p> <p>14 Q. Did you see Mr. Vasques sign this</p> <p>15 document?</p> <p>16 A. Yes.</p> <p>17 Q. You were present when he signed that</p> <p>18 document?</p> <p>19 A. We were at the place, yes.</p> <p>20 Q. You were present when he signed that</p> <p>21 document?</p> <p>22 A. Yes.</p> <p>23 Q. And at what physical location was he</p> <p>24 when he signed that document?</p> <p>25 A. I am pretty sure it was at Pepe</p>
<p style="text-align: right;">Page 10</p> <p>1 M. GAMMELLA</p> <p>2 Antonio Vasques all worked at Rosso Uptown</p> <p>3 Limited at one time or another?</p> <p>4 A. Yes.</p> <p>5 Q. And Mr. Vasques works for you at Pepe</p> <p>6 Rosso?</p> <p>7 A. Yes. But at the time, like I said,</p> <p>8 it was a different name. So we didn't know.</p> <p>9 But yes, now he is working there.</p> <p>10 Q. Okay. Pepe Rosso is a restaurant</p> <p>11 that you own that is located on Manor Haven</p> <p>12 Boulevard?</p> <p>13 A. Yes. That's correct.</p> <p>14 Q. I am going to show you a document</p> <p>15 that I would like to be marked as 21.</p> <p>16 (A one-page document was</p> <p>17 marked as Plaintiff's Exhibit 21 for</p> <p>18 identification, as of today's date.)</p> <p>19 Q. I'm going to show you what's been</p> <p>20 marked as Plaintiff's Exhibit 21. Do you</p> <p>21 recognize that document? (Handing.)</p> <p>22 A. (Reviewing.)</p> <p>23 Q. Take a moment. Read the document to</p> <p>24 yourself. And then you can let me know whether</p> <p>25 or not you recognize the document.</p>	<p style="text-align: right;">Page 12</p> <p>1 M. GAMMELLA</p> <p>2 Rosso.</p> <p>3 Q. Who was present, besides you and</p> <p>4 Mr. Vasques, when he signed this document?</p> <p>5 A. It was only the two of us. I gave</p> <p>6 him the thing. He signed. I signed. He said</p> <p>7 he want nothing to do. He doesn't want to talk</p> <p>8 about it. He's been very upset with the whole</p> <p>9 situation. He didn't even want to talk to us</p> <p>10 about it because he actually told us he would</p> <p>11 leave if we kept on pushing. I guess this was</p> <p>12 something that should have been done by the</p> <p>13 way.</p> <p>14 Q. Did he sign this on June 6th of 2022?</p> <p>15 A. I believe so, yes. That was the date</p> <p>16 we signed it. We told him about it. I said</p> <p>17 you send us this thing. You send us and we</p> <p>18 told for him to sign it and we did.</p> <p>19 Q. Did you explain anything about this</p> <p>20 document to Mr. Vasques before he signed it?</p> <p>21 A. Only know that I told him this was</p> <p>22 from the attorney, and that he was -- he didn't</p> <p>23 want nothing to do with the thing. I told him</p> <p>24 that if he agrees to sign the document.</p> <p>25 Q. Does he speak English?</p>

3 (Pages 9 to 12)

July 22, 2022

<p style="text-align: right;">Page 13</p> <p>1 M. GAMMELLA</p> <p>2 A. Very little. But I do speak fluent</p> <p>3 Spanish.</p> <p>4 Q. Does he read English?</p> <p>5 A. Honestly I cannot say. He probably</p> <p>6 does very little, but I'm not going to put</p> <p>7 words into his mouth.</p> <p>8 Q. Did you translate this document for</p> <p>9 him before he signed is?</p> <p>10 A. I explain it to him verbally. I told</p> <p>11 him that's what it is. This is a release like</p> <p>12 he requested, he didn't want nothing to do with</p> <p>13 the lawsuit. That he doesn't want to be</p> <p>14 involved. He doesn't walk to talk about it.</p> <p>15 And you send me a paper for him to release for</p> <p>16 the whole thing. And he said yes and he signed</p> <p>17 it. That's all. I didn't read it word by</p> <p>18 word, no. But I told him what the document</p> <p>19 said, what this is about.</p> <p>20 Q. Did you give him this document at any</p> <p>21 time?</p> <p>22 A. No. I mean after signed?</p> <p>23 Q. Yes.</p> <p>24 A. No.</p> <p>25 Q. Did he --</p>	<p style="text-align: right;">Page 15</p> <p>1 M. GAMMELLA</p> <p>2 it?</p> <p>3 A. I don't recall.</p> <p>4 Q. Do you have any documents with his</p> <p>5 signature --</p> <p>6 A. His idea --</p> <p>7 MR. MOSER: She can only take</p> <p>8 down one of us at a time. So it's</p> <p>9 important that I wait for you to be</p> <p>10 done and then you wait for me to be done</p> <p>11 so that it flows a little bit easier.</p> <p>12 Q. Do you have any documents with</p> <p>13 Mr. Vasques' signature on them?</p> <p>14 A. No.</p> <p>15 Q. So when he was hired by you, did he</p> <p>16 execute a withholding form for taxes?</p> <p>17 A. He signed few documents. Probably</p> <p>18 the payroll company might have it or my --</p> <p>19 Q. I would like you to listen to my</p> <p>20 question. Because my question is either -- can</p> <p>21 be answered with a yes or no.</p> <p>22 When you hired him, did he sign</p> <p>23 payroll documents?</p> <p>24 A. He signed a few documents, yes.</p> <p>25 Q. Have you ever searched for those</p>
<p style="text-align: right;">Page 14</p> <p>1 M. GAMMELLA</p> <p>2 A. Do we have a copy? Yes, we do have a</p> <p>3 copy.</p> <p>4 MR. MOSER: Just wait for me</p> <p>5 to finish my question.</p> <p>6 Q. Does Mr. Vasques have a copy of this</p> <p>7 document?</p> <p>8 A. Not that I know. But at work -- the</p> <p>9 copy is at work.</p> <p>10 Q. Does Mr. Vasques --</p> <p>11 A. Personally no, I don't think so.</p> <p>12 Q. It's just a simple yes or no</p> <p>13 question. Does Mr. Vasques have a copy of this</p> <p>14 document?</p> <p>15 A. No.</p> <p>16 Q. Did you ever give this document to</p> <p>17 Mr. Vasques to take home before he signed it?</p> <p>18 A. No. We show him at the place. He</p> <p>19 want to sign it. He signed it. And then we</p> <p>20 send it back to you -- fax it, e-mail it to</p> <p>21 you, whatever. That was it. We made a copy of</p> <p>22 it. That was it.</p> <p>23 Q. Do you have a copy of his ID?</p> <p>24 A. At work we should, yeah.</p> <p>25 Q. Does that ID have his signature on</p>	<p style="text-align: right;">Page 16</p> <p>1 M. GAMMELLA</p> <p>2 documents?</p> <p>3 A. No.</p> <p>4 Q. Do you have access to those</p> <p>5 documents?</p> <p>6 A. I don't know if I even have them. I</p> <p>7 don't even have them right now. I really don't</p> <p>8 know. I can't answer yes or no because I don't</p> <p>9 know if I have them. This guy has been with us</p> <p>10 for a long time. I don't know what I have.</p> <p>11 Q. Do you withhold taxes from</p> <p>12 Mr. Vasques' paycheck?</p> <p>13 A. Yes.</p> <p>14 Q. Did he give you permission to do</p> <p>15 that?</p> <p>16 A. What?</p> <p>17 Q. Did he give you permission to do that</p> <p>18 by signing a tax form?</p> <p>19 A. He signed it straight to the payroll</p> <p>20 company, yes. He signed it. Yeah. We told</p> <p>21 him to sign and send to payroll.</p> <p>22 Q. Who hired the payroll company?</p> <p>23 A. I did.</p> <p>24 Q. Do you have access to the payroll</p> <p>25 records?</p>

4 (Pages 13 to 16)

July 22, 2022

Page 17	Page 19
<p>1 M. GAMMELLA</p> <p>2 A. Not present. If I request, yes.</p> <p>3 Q. If you asked the payroll company for</p> <p>4 the documents that they have --</p> <p>5 A. When they have it, yes.</p> <p>6 Q. -- are they obligated to give it to</p> <p>7 you?</p> <p>8 A. Yes. If I send that request if it's</p> <p>9 mine, they should.</p> <p>10 Q. What were the hours of operation of</p> <p>11 Rosso Uptown?</p> <p>12 A. From, I believe, it was 12:00 to</p> <p>13 9:00.</p> <p>14 Q. So 12:00, noon --</p> <p>15 A. 12:00 noon to 9:00.</p> <p>16 Q. P.m.?</p> <p>17 A. 9:00 p.m.</p> <p>18 Q. How many days per week?</p> <p>19 A. There were at one point five and then</p> <p>20 six. We switched it over five to six days a</p> <p>21 week.</p> <p>22 Q. Was it first five or first six?</p> <p>23 A. Six.</p> <p>24 Q. Which day was it closed?</p> <p>25 A. It was Monday.</p>	<p>1 M. GAMMELLA</p> <p>2 if Rosso Uptown was missing food or supplies</p> <p>3 that they would be brought from Pepe Rosso to</p> <p>4 Rosso Uptown.</p> <p>5 A. Yeah, that's true. Some time we run</p> <p>6 out of stuff, went down, bring it back, and</p> <p>7 then we had to take it back.</p> <p>8 Q. Would you say that Pepe Rosso had</p> <p>9 more supplies than Rosso Uptown?</p> <p>10 A. It was -- it wasn't more. It was</p> <p>11 just some time we run out of stuff Uptown. The</p> <p>12 place was smaller and like I said things not</p> <p>13 going well. Because it was more we didn't</p> <p>14 order -- would couldn't order as much.</p> <p>15 Sometimes we run out of stuff and we went to</p> <p>16 get and bring it back.</p> <p>17 Q. Who did the purchasing for Rosso</p> <p>18 Uptown?</p> <p>19 A. Me or my chef, whoever it was at the</p> <p>20 time, and there was a guy that was in charge.</p> <p>21 Renato. I forget his last name. He was the</p> <p>22 manager there. A Brazilian fellow. He worked</p> <p>23 for me for almost until the end when we lost</p> <p>24 and we change the names. But then he moved out</p> <p>25 of the country, went back to Brazil or Japan.</p>
Page 18	Page 20
<p>1 M. GAMMELLA</p> <p>2 Q. And then when it switched over to</p> <p>3 five days a week, which two days was it closed?</p> <p>4 A. Monday and Tuesday, but because</p> <p>5 things weren't going well. So we kept on</p> <p>6 trying to go back and forth but most of the</p> <p>7 time it was six.</p> <p>8 Q. When you say "we", who are you</p> <p>9 referring to?</p> <p>10 A. The guys; me and my wife at the time</p> <p>11 who tried to help me, my son. But mostly it</p> <p>12 was I that was, you know, in a lot of stress to</p> <p>13 try to run this place before we closed it down.</p> <p>14 Q. So when you say we, you are not</p> <p>15 referring you and Mr. Tizzano?</p> <p>16 A. Not at all.</p> <p>17 Q. Did Mr. Tizzano ever own any portion</p> <p>18 of Rosso Uptown?</p> <p>19 A. No. Never.</p> <p>20 Q. Did you ever tell anyone that he</p> <p>21 owned a portion of Rosso Uptown?</p> <p>22 A. No. Not really. They supposed but</p> <p>23 he never owned it. I never told them that --</p> <p>24 anyone that Michael Tizzano owned my place, no.</p> <p>25 Q. Mr. Tizzano testified that sometimes</p>	<p>1 M. GAMMELLA</p> <p>2 I don't know where he moved. But he was the</p> <p>3 one doing the purchasing for -- the food was</p> <p>4 the chef most of the time.</p> <p>5 Q. So Renato did the purchasing for</p> <p>6 Rosso Uptown?</p> <p>7 A. Yes. Not everything, but yes.</p> <p>8 Q. Did you do any purchasing for Rosso</p> <p>9 Uptown?</p> <p>10 A. Yes, of course.</p> <p>11 Q. Did you do purchasing for Pepe Rosso?</p> <p>12 A. I do certain things, certain things.</p> <p>13 Q. Did you ever combine the purchase</p> <p>14 orders for the supplies in order to get</p> <p>15 discounts?</p> <p>16 A. No. No. Always kept separate</p> <p>17 because it's two separate things. No.</p> <p>18 Q. Who named Rosso Uptown? Who gave it</p> <p>19 that name?</p> <p>20 A. I went through a few names. But it</p> <p>21 was me, my kids, a few friends -- they just</p> <p>22 came up with the name. It's my corporation.</p> <p>23 So it's in my name. I had to agree with it.</p> <p>24 Yes, it's my name, Rosso Uptown.</p> <p>25 Q. You named Rosso Uptown?</p>

5 (Pages 17 to 20)

July 22, 2022

<p style="text-align: right;">Page 21</p> <p>1 M. GAMMELLA</p> <p>2 A. Yes.</p> <p>3 Q. What does -- does Rosso mean</p> <p>4 anything?</p> <p>5 A. Red.</p> <p>6 Q. So you named it basically Red Uptown?</p> <p>7 A. Well, this was a friend and family</p> <p>8 come up with the ideas, yeah.</p> <p>9 Q. You named the restaurant Red Uptown?</p> <p>10 A. Yes.</p> <p>11 Q. And at that time you owned a</p> <p>12 restaurant by the name of Pepe Rosso, correct?</p> <p>13 A. Yes.</p> <p>14 Q. What does Pepe Rosso mean?</p> <p>15 A. Black pepper.</p> <p>16 Q. So you named -- you had one</p> <p>17 restaurant that was named Red Pepper, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And then you created another</p> <p>20 restaurant and you called that Red Uptown,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Why did you do that?</p> <p>24 A. Not for any special reason. Because</p> <p>25 it sounds good. Plus, we change the name of</p>	<p style="text-align: right;">Page 23</p> <p>1 M. GAMMELLA</p> <p>2 even before us.</p> <p>3 Q. So part of the reason why you named</p> <p>4 Rosso Uptown similarly to Pepe Rosso was that</p> <p>5 so people would know that you were also the</p> <p>6 owner of Rosso Uptown as well?</p> <p>7 A. Not really. They know already I was</p> <p>8 the owner anyway. But it was just a name that</p> <p>9 I liked because I like red. Like I say, Pepe</p> <p>10 Rosso because it's red. Red in Italian, rosso.</p> <p>11 I like everything -- all my stuff that I do, I</p> <p>12 try to keep the same, you know. Red pepper,</p> <p>13 red uptown, red whatever I am going to do next.</p> <p>14 I like the idea.</p> <p>15 Q. In Port Washington is the area where</p> <p>16 Rosso Uptown located considered uptown?</p> <p>17 A. Not really. We call Uptown because</p> <p>18 it's like up, elevated from the water. You</p> <p>19 know, Port Washington if you know is a lot of</p> <p>20 it's by water. And Main Street is, like, up on</p> <p>21 the hill. So it's not uptown. It's just -- I</p> <p>22 think up. It's up from the bottom. It's not</p> <p>23 uptown. It was on Main Street as you know.</p> <p>24 It's just the sign on the street there.</p> <p>25 Q. Is there any other reason, besides</p>
<p style="text-align: right;">Page 22</p> <p>1 M. GAMMELLA</p> <p>2 Red Uptown a few times after that. It was</p> <p>3 11-Zero Uptown. It was changed a few times.</p> <p>4 We changed the names a few times.</p> <p>5 Q. So other than the fact that it</p> <p>6 sounded good, was there any reason why you had</p> <p>7 one restaurant called Red Pepper and then you</p> <p>8 named another called Red Uptown?</p> <p>9 A. Well, it sounds good because me as</p> <p>10 people know me in Port Washington, I want to</p> <p>11 maybe kind of tell them that I was there too,</p> <p>12 that it was my place. But other than that,</p> <p>13 there was not really any other special meaning.</p> <p>14 Q. So people who were familiar with you,</p> <p>15 were familiar with Rosso Uptown?</p> <p>16 A. Well, I figured that they would, you</p> <p>17 know, know that it's my place, yeah.</p> <p>18 Q. And Pepe Rosso -- did Pepe Rosso have</p> <p>19 a loyal following?</p> <p>20 A. I would say, yes.</p> <p>21 Q. Did it have -- was it a known entity</p> <p>22 in the community?</p> <p>23 A. Yes. It was known for another</p> <p>24 previous name. But yes. It's been there that</p> <p>25 restaurant for twenty-five years, twenty years</p>	<p style="text-align: right;">Page 24</p> <p>1 M. GAMMELLA</p> <p>2 the fact that you like the color red, that you</p> <p>3 named both of these restaurants --</p> <p>4 A. Well, I liked the name red --</p> <p>5 Q. Let me finish the question please.</p> <p>6 Besides the fact that you like the color red or</p> <p>7 the name red, is there any other reason why you</p> <p>8 named these two restaurants red or Rosso?</p> <p>9 A. Not particularly. Not really.</p> <p>10 Q. Was there ever a record made of when</p> <p>11 products or materials were borrowed from one</p> <p>12 restaurant to the another?</p> <p>13 A. Repeat the question? Was any</p> <p>14 records?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. How would you know what materials or</p> <p>18 foods supplies were brought from one restaurant</p> <p>19 to another?</p> <p>20 A. We talking about a bag of tomatoes</p> <p>21 or, you know, five onions. We are talking</p> <p>22 about small items that you run out. Maybe</p> <p>23 paper cups we will say. It's not like we</p> <p>24 borrowed a big something. It's just kitchen</p> <p>25 stuff, like small things.</p>

6 (Pages 21 to 24)

July 22, 2022

<p style="text-align: right;">Page 25</p> <p>1 M. GAMMELLA</p> <p>2 Q. How would you know if materials were</p> <p>3 brought from one location to the other? Would</p> <p>4 there be any record of that whatsoever?</p> <p>5 A. There would be no record because it</p> <p>6 would be me -- the chef tell me Massimo, we</p> <p>7 need a can of tomatoes. So I go down there. I</p> <p>8 get the can of tomatoes, bring it up, use it.</p> <p>9 When we receive it from Uptown then I bring it</p> <p>10 back. That was it. There was not going to be</p> <p>11 a record of me purchasing separate can of</p> <p>12 tomatoes or whatever things.</p> <p>13 Q. So just to clarify there is no record</p> <p>14 of the dates on which foods were brought from</p> <p>15 one restaurant to another?</p> <p>16 A. No.</p> <p>17 Q. And there is no records indicating</p> <p>18 what was brought from one restaurant to the</p> <p>19 other?</p> <p>20 A. No.</p> <p>21 Q. There is no record showing how</p> <p>22 frequently food was brought from one restaurant</p> <p>23 to the other?</p> <p>24 A. Nope. Not that I recall. By the way</p> <p>25 if I may add, you know, this we talking about</p>	<p style="text-align: right;">Page 27</p> <p>1 M. GAMMELLA</p> <p>2 3rd of 2022. It's a seven-page document.</p> <p>3 (Handing.) I would like you to take a moment</p> <p>4 to look through it.</p> <p>5 A. (Reviewing.) That's the lawsuit that</p> <p>6 we sued about.</p> <p>7 Q. Okay. I am going to direct your</p> <p>8 attention to Page No. 5, the Document Request</p> <p>9 No. 1.</p> <p>10 A. (Reviewing.) Okay.</p> <p>11 Q. Did you actually search for documents</p> <p>12 that were responsive to these requests?</p> <p>13 A. No.</p> <p>14 Q. Did you ever search for documents</p> <p>15 that were responsive to Document Request No. 1?</p> <p>16 A. No. Because there was no way for us</p> <p>17 to search.</p> <p>18 Q. Did you ever search for documents in</p> <p>19 response to Document Request No. 2?</p> <p>20 A. (Reviewing.) No.</p> <p>21 Q. And with regard to the remaining</p> <p>22 document requests, which are numbered 3 through</p> <p>23 21, did you ever search for documents</p> <p>24 responsive to those requests?</p> <p>25 A. (Reviewing.) No, because we couldn't</p>
<p style="text-align: right;">Page 26</p> <p>1 M. GAMMELLA</p> <p>2 we closed already over three years. You</p> <p>3 talking this about five, six, seven years ago</p> <p>4 back. As far as I recall no. The little</p> <p>5 items, definitely not a record.</p> <p>6 Q. Who hired Santos Hernandez?</p> <p>7 A. I did. All the hiring was done</p> <p>8 through me or Renato, the manager there.</p> <p>9 Q. Who hired Emanuel De Jesus Lievano?</p> <p>10 A. Same thing, either me or Renato.</p> <p>11 Renato was the manager there. Sometimes people</p> <p>12 stop by -- yes. In the end I made the</p> <p>13 decision, yes.</p> <p>14 Q. Who had the authority to fire</p> <p>15 employees at Rosso Uptown?</p> <p>16 A. Me.</p> <p>17 Q. Who managed Rosso Uptown?</p> <p>18 A. Me and this guy Renato as I told you.</p> <p>19 Q. Did you have ultimate decisionmaking</p> <p>20 authority over hiring and firing decisions at</p> <p>21 Rosso Uptown?</p> <p>22 A. Yes.</p> <p>23 Q. I am going to show you a document</p> <p>24 that was previously marked as Plaintiff's</p> <p>25 Exhibit 8 at Mr. Tizzano's deposition of June</p>	<p style="text-align: right;">Page 28</p> <p>1 M. GAMMELLA</p> <p>2 as I said.</p> <p>3 Q. Why couldn't you?</p> <p>4 A. Well, because no less previous to</p> <p>5 that we had a flood in the basement, which was</p> <p>6 where the office was. But even after that we</p> <p>7 got basically as we didn't pay rent for months</p> <p>8 we got -- I got kicked out. And my landlord</p> <p>9 took everything out and it was gone.</p> <p>10 Q. Okay. Did you ever have documents</p> <p>11 responsive to Document Request No. 5 at any</p> <p>12 time?</p> <p>13 A. (Reviewing.) We have some, yes.</p> <p>14 Definitely. We were paying people, yeah.</p> <p>15 Q. So did you pay Hernandez and Lievano</p> <p>16 on the books?</p> <p>17 A. Yes.</p> <p>18 Q. Through a payroll company?</p> <p>19 A. Some on the books, some they got paid</p> <p>20 off the books. But yes, they got paid I</p> <p>21 remember. As I recall it was on the books.</p> <p>22 Q. Were they paid partially in cash and</p> <p>23 partially by check?</p> <p>24 A. Mostly it was just payroll by check.</p> <p>25 Q. Were they paid partially by cash and</p>

7 (Pages 25 to 28)

July 22, 2022

<p style="text-align: right;">Page 29</p> <p>1 M. GAMMELLA</p> <p>2 partially by check or only by check?</p> <p>3 A. Only by check.</p> <p>4 Q. Which payroll company did you have?</p> <p>5 A. I don't recall. This is like eight</p> <p>6 years ago.</p> <p>7 Q. Did you have the same payroll company</p> <p>8 for that company that you did for Pepe Rosso?</p> <p>9 A. No.</p> <p>10 Q. Did you ever make any attempt to find</p> <p>11 out the name of the payroll company?</p> <p>12 A. I did. I was trying to remember to</p> <p>13 look for it. But no, I could not find anything</p> <p>14 which that was it.</p> <p>15 Q. Did you check with ADP to see if they</p> <p>16 were handling your payroll?</p> <p>17 A. ADP? No, I don't believe it was ADP</p> <p>18 as the payroll.</p> <p>19 Q. That's not my question. My question</p> <p>20 is, did you ever check with ADP --</p> <p>21 A. No, I didn't check with ADP</p> <p>22 because -- no. The answer is no.</p> <p>23 Q. Did you ever check with Paychex to</p> <p>24 see if they were handling your payroll?</p> <p>25 A. At the time, no.</p>	<p style="text-align: right;">Page 31</p> <p>1 M. GAMMELLA</p> <p>2 whatever I had in that location, the leftover</p> <p>3 stuff which I found some Chase documents. But</p> <p>4 that account was there which was withdrawn. I</p> <p>5 believe I even send it to you. Other than</p> <p>6 that, I didn't find anything else.</p> <p>7 Q. Okay. Just to summarize, Rosso</p> <p>8 Uptown had bank accounts?</p> <p>9 A. Of course.</p> <p>10 Q. And where were those bank accounts</p> <p>11 located?</p> <p>12 A. Chase. And I send you copies or the</p> <p>13 court. I did. But I do have few which it was</p> <p>14 overdrawn.</p> <p>15 Q. Are you testifying today that you</p> <p>16 sent documents from Chase Bank to the court?</p> <p>17 A. I am not -- I don't want to -- 100</p> <p>18 percent. I do have it. So if I did, I don't</p> <p>19 know if I put it together with the stuff I sent</p> <p>20 to the court. But if I didn't, I will. Which</p> <p>21 I do have. It is something that I have. I am</p> <p>22 not going to deny it. It's only account</p> <p>23 records.</p> <p>24 Q. How did you pay the payroll company?</p> <p>25 A. They were paid through the Chase</p>
<p style="text-align: right;">Page 30</p> <p>1 M. GAMMELLA</p> <p>2 Q. Did you ever check with your</p> <p>3 accountant to determine who was handling your</p> <p>4 payroll?</p> <p>5 A. The accountant, no, I didn't check.</p> <p>6 Q. So you never told your accountant</p> <p>7 that you needed payroll records?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So I am talking about after</p> <p>10 you received this request for production of</p> <p>11 documents, right, you called your accountant</p> <p>12 and told him that you needed payroll records?</p> <p>13 A. Yes, that I might need. I got a</p> <p>14 lawsuit thing.</p> <p>15 Q. You might need?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And what payroll records did</p> <p>18 he give you?</p> <p>19 A. I did not call after that. So I</p> <p>20 didn't get anything.</p> <p>21 Q. Okay. Tell me everything that you</p> <p>22 did to try and find or locate documents in</p> <p>23 response to these Document Requests Nos. 1</p> <p>24 through 21.</p> <p>25 A. The only thing I did, I look for</p>	<p style="text-align: right;">Page 32</p> <p>1 M. GAMMELLA</p> <p>2 account.</p> <p>3 Q. So the Chase account would show who</p> <p>4 the payroll company was?</p> <p>5 A. I am not even sure.</p> <p>6 Q. Wait a second.</p> <p>7 A. Because if it says on the documents,</p> <p>8 I will give it to you.</p> <p>9 Q. I am not asking you what it says on</p> <p>10 the documents.</p> <p>11 A. No. It doesn't say the name. It</p> <p>12 just says --</p> <p>13 Q. So do you get copies of your checks?</p> <p>14 A. No.</p> <p>15 Q. Did you ever go to that bank and ask</p> <p>16 them for copies of checks?</p> <p>17 A. No.</p> <p>18 Q. Did you ever ask them to tell you who</p> <p>19 the payroll company was that you were paying?</p> <p>20 A. No. I didn't go to Chase, if I may</p> <p>21 add, because the bank account still was open</p> <p>22 and I owed money. I had no money to put it in</p> <p>23 there. It was a big mess. That's why I didn't</p> <p>24 go back. And it was still pending.</p> <p>25 Q. So you intentionally did not go back</p>

8 (Pages 29 to 32)

July 22, 2022

<p style="text-align: right;">Page 33</p> <p>1 M. GAMMELLA</p> <p>2 to the bank, even though you knew that they</p> <p>3 might know who your payroll company; is that</p> <p>4 correct?</p> <p>5 A. No. No. It's not correct.</p> <p>6 Q. So when the bank pays one of your</p> <p>7 vendors, they don't have a record of who they</p> <p>8 pay?</p> <p>9 A. The vendors? No. The vendors was</p> <p>10 paid through our checks, right. Our checks --</p> <p>11 I made the check. They go out. The only thing</p> <p>12 I have -- let me make it clear. The only thing</p> <p>13 I have is some left over actually was it my car</p> <p>14 paper from the bank was the account statement.</p> <p>15 Then they was overdrawn. And that was it.</p> <p>16 There was no checks, no printed checks in</p> <p>17 there, or the account or the name of anything.</p> <p>18 That's all. And I show it to you.</p> <p>19 Q. Did you understand that you had an</p> <p>20 obligation to go and find the records if for</p> <p>21 some reason you didn't have them in your</p> <p>22 possession?</p> <p>23 A. Yeah. I didn't have them in my</p> <p>24 possession.</p> <p>25 Q. Yes. Do you understand that it was</p>	<p style="text-align: right;">Page 35</p> <p>1 M. GAMMELLA</p> <p>2 paper that was in my car a couple of things</p> <p>3 from the bank that the thing was overdrawn.</p> <p>4 And I believe I saved it because it was the</p> <p>5 only thing I could find. Any other thing,</p> <p>6 payroll and everything else, I couldn't even</p> <p>7 remember the name of the company. I don't have</p> <p>8 any records of it.</p> <p>9 Q. Do you know whether the bank has a</p> <p>10 record of who your payroll company is?</p> <p>11 A. No.</p> <p>12 Q. They don't? Or you don't know?</p> <p>13 A. I don't know. I don't know if they</p> <p>14 have it.</p> <p>15 Q. Because you never checked, correct?</p> <p>16 A. According to the paper that I could</p> <p>17 see, no. So if they do have it, no. I don't</p> <p>18 believe they do have a record.</p> <p>19 Q. So you believe that your bank does</p> <p>20 not have a record of who your payroll company</p> <p>21 was?</p> <p>22 A. I don't believe so.</p> <p>23 Q. And what is that belief based upon?</p> <p>24 Why don't you think --</p> <p>25 A. Because after so many years, the</p>
<p style="text-align: right;">Page 34</p> <p>1 M. GAMMELLA</p> <p>2 your obligation to go and find them?</p> <p>3 A. I did try to find them. Everything</p> <p>4 is gone. So what am I going to find?</p> <p>5 Q. Well, did you go to the bank?</p> <p>6 A. No. Because the account has been</p> <p>7 closed for years.</p> <p>8 Q. Okay. Besides the fact that the</p> <p>9 account was closed for years -- but you just</p> <p>10 testified that it wasn't closed, it was</p> <p>11 overdrawn and you didn't want to go there,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Which one is it?</p> <p>15 A. Yes. But you talking about when the</p> <p>16 account was open was eight years ago. When</p> <p>17 that account was open, it was eight years ago.</p> <p>18 Then in the end this is talking -- already it</p> <p>19 was closed -- we already close the place for</p> <p>20 three years. So the account was already</p> <p>21 overdrawn and everything probably about four,</p> <p>22 five years ago. We are talking about -- like</p> <p>23 you sound like this happening to me now. This</p> <p>24 is like years ago.</p> <p>25 Anyways, that's only I found in the</p>	<p style="text-align: right;">Page 36</p> <p>1 M. GAMMELLA</p> <p>2 thing is they don't keep even documents. I</p> <p>3 mean, if the court tells them, I don't know.</p> <p>4 But me, they not going to give it to me if they</p> <p>5 do have after four, five years.</p> <p>6 Q. So in your opinion banks just destroy</p> <p>7 records after four or five years?</p> <p>8 A. I do not know. I'm not an attorney.</p> <p>9 I do not know what they keep. How long they</p> <p>10 got to keep, I have idea. I know the account</p> <p>11 after a few years, even a year, that you got to</p> <p>12 request and pay for it. So I have no idea.</p> <p>13 Q. The accountant who -- I know you want</p> <p>14 to give me explanations for everything. You</p> <p>15 can give explanations at the time of trial to</p> <p>16 the judge. If I ask you --</p> <p>17 A. The answer is no, I don't have</p> <p>18 records. My accountant didn't give me records.</p> <p>19 I do not have records. But I look for it in</p> <p>20 paper and look for it in my computer for</p> <p>21 records, yes. I didn't find anything. The</p> <p>22 only thing I found was the court thing. That's</p> <p>23 it.</p> <p>24 Q. You are still explaining and there is</p> <p>25 no question.</p>

9 (Pages 33 to 36)

July 22, 2022

<p style="text-align: right;">Page 37</p> <p>1 M. GAMMELLA</p> <p>2 The accountant that you used for</p> <p>3 Rosso Uptown, is that the same accountant that</p> <p>4 you used for Pepe Rosso?</p> <p>5 A. In the end, yes. In the beginning,</p> <p>6 no. But in the end, yes, the same accountant</p> <p>7 now.</p> <p>8 Q. Was that the same accountant that you</p> <p>9 were using for your personal tax return as</p> <p>10 well?</p> <p>11 A. Again, not in the beginning. But in</p> <p>12 the end before we closed, yes.</p> <p>13 Q. Did you ever ask that accountant who</p> <p>14 your payroll company was at Rosso Uptown?</p> <p>15 A. I did ask him. But he say he had to</p> <p>16 investigate and look into it. I never got</p> <p>17 anything.</p> <p>18 Q. Did you ever ask him for your payroll</p> <p>19 records?</p> <p>20 A. No. I asked him a few times but I</p> <p>21 never got it. He never told me no, he</p> <p>22 couldn't -- I don't know if it's because he</p> <p>23 wasn't the one from the beginning. I never got</p> <p>24 it. I never got any papers. I never got any</p> <p>25 payroll records.</p>	<p style="text-align: right;">Page 39</p> <p>1 M. GAMMELLA</p> <p>2 Q. So you understood when you got this</p> <p>3 request that it was your obligation to get</p> <p>4 records from your accountant?</p> <p>5 A. Well, I understood that I got to, you</p> <p>6 know, somehow --</p> <p>7 Q. Sir?</p> <p>8 A. Yes.</p> <p>9 Q. You understood when you got this</p> <p>10 document that it was -- that you had a duty to</p> <p>11 go to your accountant and get the records, if</p> <p>12 you could, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you called him twice, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And he never got back to you?</p> <p>17 A. Yes.</p> <p>18 Q. And for that reason you said you have</p> <p>19 no documents?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Would the payroll company that</p> <p>22 you used have records?</p> <p>23 A. Payroll that I used then?</p> <p>24 Q. Does the payroll company that you</p> <p>25 used at Rosso Uptown still have payroll records</p>
<p style="text-align: right;">Page 38</p> <p>1 M. GAMMELLA</p> <p>2 Q. Do you understand that when you get a</p> <p>3 request for documents in federal court that you</p> <p>4 have an obligation to go and get documents that</p> <p>5 are in the possession of other people?</p> <p>6 A. Well, I am not an attorney. I</p> <p>7 understood that I had to look for stuff, but</p> <p>8 meant physically whatever I could do, which I</p> <p>9 did. Which we have none. So I don't know what</p> <p>10 else they want me to look for.</p> <p>11 Q. Well, you didn't call your -- we've</p> <p>12 established that you did not call your</p> <p>13 accountant, correct?</p> <p>14 A. No. I did call my accountant.</p> <p>15 Q. You called your accountant and after</p> <p>16 you received this request and asked him for the</p> <p>17 documents that are responsive to that request?</p> <p>18 A. I only asked if he had any records of</p> <p>19 the old years ago payroll. And he said he had</p> <p>20 to look into it, but I never got anything from</p> <p>21 it. And that was it.</p> <p>22 Q. How many times did you speak to him?</p> <p>23 A. Only two times maybe. That was three</p> <p>24 years ago. I mean, this thing is dragging for</p> <p>25 years. Three years ago.</p>	<p style="text-align: right;">Page 40</p> <p>1 M. GAMMELLA</p> <p>2 for Mr. Hernandez?</p> <p>3 A. No idea.</p> <p>4 Q. Does the payroll company that you</p> <p>5 used still have payroll records for</p> <p>6 Mr. Lievano?</p> <p>7 A. Do not know.</p> <p>8 Q. Does your accountant have payroll</p> <p>9 records for Mr. Hernandez?</p> <p>10 A. Do not know.</p> <p>11 Q. Does your accountant have records for</p> <p>12 Mr. Lievano?</p> <p>13 A. I don't believe so. I do not know.</p> <p>14 Q. Does your bank have records of checks</p> <p>15 paid to Santos Hernandez?</p> <p>16 A. Do not know.</p> <p>17 Q. Does your bank have records of checks</p> <p>18 payable to Mr. Lievano?</p> <p>19 A. I don't believe so. And I do not</p> <p>20 know.</p> <p>21 Q. So when was Mr. Hernandez hired?</p> <p>22 A. I do not recall.</p> <p>23 Q. Can you give me any approximate date?</p> <p>24 A. Approximate year. Maybe 2016. I</p> <p>25 can't guess. Like I said, it's been long time</p>

10 (Pages 37 to 40)

July 22, 2022

Page 41	Page 43
<p>1 M. GAMMELLA</p> <p>2 ago.</p> <p>3 Q. When was he -- was he fired?</p> <p>4 A. They left.</p> <p>5 Q. So he left? Or he was fired?</p> <p>6 A. He left.</p> <p>7 Q. Do you know why he left?</p> <p>8 A. We are talking which one?</p> <p>9 Q. Mr. Hernandez.</p> <p>10 A. Hernandez? Hernandez, this is Miquel</p> <p>11 you talking about?</p> <p>12 Q. Santos Hernandez.</p> <p>13 A. Okay. I am getting confused.</p> <p>14 Santos, I believe in the end before we closed</p> <p>15 he left. We closed the place. Basically we</p> <p>16 closed down. So I don't remember if he left</p> <p>17 right before we closed or once we closed. We</p> <p>18 had no choice. We got shut down. We went out</p> <p>19 of business.</p> <p>20 Q. When did you shut down?</p> <p>21 A. I believe it was 2018. Three years</p> <p>22 ago. Maybe September, October 2018 if my mind</p> <p>23 tells me.</p> <p>24 Q. How long did Santos Hernandez work</p> <p>25 for you?</p>	<p>1 M. GAMMELLA</p> <p>2 A. Yes. Like I say it wasn't long.</p> <p>3 Q. With regard to Mr. Santos Hernandez,</p> <p>4 if we had the payroll records, would they show</p> <p>5 when Mr. Hernandez started working for you?</p> <p>6 A. Yes.</p> <p>7 Q. And would they show when he stopped</p> <p>8 working for?</p> <p>9 A. They should, yes. But --</p> <p>10 Q. Would they show how many hours per</p> <p>11 week Mr. Hernandez worked?</p> <p>12 A. Yes, on the payroll, yes.</p> <p>13 Q. Would they show how many hours per</p> <p>14 week Mr. Lievano worked?</p> <p>15 A. Yes. On the payroll, yes.</p> <p>16 Q. Would they show how much</p> <p>17 Mr. Hernandez was paid per hour?</p> <p>18 A. Yes. On the payroll, yes.</p> <p>19 Q. Would they show how much Mr. Lievano</p> <p>20 was paid per hour?</p> <p>21 A. Yes.</p> <p>22 Q. Would they also show Mr. Hernandez'</p> <p>23 overtime compensation, if any?</p> <p>24 A. If any, which was any. But if any,</p> <p>25 yes.</p>
Page 42	Page 44
<p>1 M. GAMMELLA</p> <p>2 A. Less than two years, maybe few years.</p> <p>3 Q. How long did Mr. Emanuel De Jesus</p> <p>4 Lievano work for you?</p> <p>5 A. He was there months, not even a year.</p> <p>6 Very short.</p> <p>7 Q. So can you describe Emanuel De Jesus</p> <p>8 Lievano for me in any way?</p> <p>9 A. Describe him what; personally?</p> <p>10 Q. Yes, how he looked.</p> <p>11 A. Yes, I told you he came by. I don't</p> <p>12 know. Dark hair, skinny, darker skin.</p> <p>13 Q. Would the payroll records, if we were</p> <p>14 able to obtain them, show when Mr. Lievano</p> <p>15 started working for you?</p> <p>16 A. If we would have, yes. I believe he</p> <p>17 started working for me a few years before we</p> <p>18 closed. Maybe 2016.</p> <p>19 Q. But the payroll records, if we had</p> <p>20 them, would show the precise date he started</p> <p>21 working; is that correct?</p> <p>22 A. Yes, if we find the records, it</p> <p>23 probably would.</p> <p>24 Q. Would the records show when he</p> <p>25 stopped working?</p>	<p>1 M. GAMMELLA</p> <p>2 Q. Would the payroll records also show</p> <p>3 Mr. Emanuel De Jesus Lievano's overtime hours</p> <p>4 worked, if any?</p> <p>5 A. If any, yes. They stated.</p> <p>6 Q. So will you go and look for these</p> <p>7 payroll records?</p> <p>8 A. I tried. I could make another good</p> <p>9 effort. Yes. Again, I will ask my accountant</p> <p>10 again if he finds anything out. This was years</p> <p>11 back. I cannot promise anything. But I will</p> <p>12 try. I will try my best.</p> <p>13 Q. You understand that the depositions</p> <p>14 of Mr. Hernandez and Mr. Lievano are upcoming,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. You received the request for</p> <p>18 documents, which is Plaintiff's Exhibit 8, a</p> <p>19 year ago?</p> <p>20 A. Yes.</p> <p>21 Q. Is it fair to say that you haven't</p> <p>22 produced a single payroll document as of today?</p> <p>23 A. I did not.</p> <p>24 Q. Okay. So can you explain why not?</p> <p>25 A. Like I said, to the best of my</p>

11 (Pages 41 to 44)

July 22, 2022

<p style="text-align: right;">Page 45</p> <p>1 M. GAMMELLA</p> <p>2 ability, I tried. I looked through all the</p> <p>3 papers, whatever I have left. I called the</p> <p>4 accountant. He couldn't find anything. I</p> <p>5 don't remember the name of the company we used.</p> <p>6 So -- and everything was -- we got kicked out</p> <p>7 of the place. So it was none for me to</p> <p>8 retrieve. That was it. I did try.</p> <p>9 Q. Do you know if you can get the</p> <p>10 payroll records before my clients' depositions?</p> <p>11 A. Again, I will give it my best effort.</p> <p>12 I will call again to see if my accountant has</p> <p>13 anything that I can go back those years to see</p> <p>14 who even it was. I give it my best effort.</p> <p>15 But I cannot guarantee anything. Because I</p> <p>16 don't know.</p> <p>17 Q. Do you believe that you've made your</p> <p>18 best effort for the past year to locate and</p> <p>19 produce documents responsive to our request for</p> <p>20 documents?</p> <p>21 A. Yes. Because I already know -- I</p> <p>22 already told from way in the beginning that we</p> <p>23 were kicked out and never let back in the</p> <p>24 place. And it was all gone.</p> <p>25 Q. So how many hours per week did</p>	<p style="text-align: right;">Page 47</p> <p>1 M. GAMMELLA</p> <p>2 A. Yes, that's what I meant.</p> <p>3 Q. And Renato is in Brazil we believe?</p> <p>4 A. Or in Japan. He left the country two</p> <p>5 or three years ago. He went back to his</p> <p>6 country. I can give you more information on</p> <p>7 him, if you would like, if I can find his last</p> <p>8 name at least.</p> <p>9 Q. As the employer of Mr. Miquel Antonio</p> <p>10 Vasques, do you have the authority to ask him</p> <p>11 for his identification?</p> <p>12 A. Yes, I suppose. I don't know about</p> <p>13 the law but, I suppose I do.</p> <p>14 MR. MOSER: I would ask on</p> <p>15 the record that you produce a copy of</p> <p>16 his identification confirming that</p> <p>17 his -- with his signature, confirming</p> <p>18 that the signature matches the one on</p> <p>19 the document that you say he signed.</p> <p>20 MR. GAMMELLA: Will do.</p> <p>21 Q. I am going to ask you a list of</p> <p>22 questions. If you could answer them with a yes</p> <p>23 or no, that's fine. If you believe you cannot</p> <p>24 answer them with a yes or no, please let me</p> <p>25 know.</p>
<p style="text-align: right;">Page 46</p> <p>1 M. GAMMELLA</p> <p>2 Mr. Hernandez work?</p> <p>3 A. At those times I don't recall.</p> <p>4 Q. How many hours per week did</p> <p>5 Mr. Emanuel De Jesus Lievano work when he</p> <p>6 worked for you?</p> <p>7 A. I do not recall.</p> <p>8 Q. You said they never worked overtime</p> <p>9 or rarely worked overtime?</p> <p>10 A. That I recall, no, they didn't work</p> <p>11 overtime. Especially in the end when, I guess,</p> <p>12 we were closing. There was no overtime.</p> <p>13 Q. Are you aware of any individuals,</p> <p>14 other than you, who would know how many hours</p> <p>15 Mr. Santos Hernandez was working?</p> <p>16 A. No.</p> <p>17 Q. Do you know of any other individuals,</p> <p>18 other than you, who would know how many hours</p> <p>19 per week Emanuel De Jesus Lievano was working</p> <p>20 when he worked for you?</p> <p>21 A. As I restate, except Renato, this</p> <p>22 Renato manger that was there that is no longer</p> <p>23 with us. But other than me, no.</p> <p>24 Q. Other than Renato and you -- you and</p> <p>25 Renato?</p>	<p style="text-align: right;">Page 48</p> <p>1 M. GAMMELLA</p> <p>2 Did you have the authority or the</p> <p>3 power to hire and fire Mr. Hernandez and</p> <p>4 Mr. Emanuel De Jesus Lievano?</p> <p>5 A. Yes.</p> <p>6 Q. Did you control the work schedules of</p> <p>7 Santos Hernandez and Emanuel De Jesus Lievano?</p> <p>8 A. Cannot answer that completely because</p> <p>9 it was up to my manager as well. But yes,</p> <p>10 together with my manager.</p> <p>11 Q. So together with your manager you</p> <p>12 controlled the work schedules of Mr. Hernandez</p> <p>13 and Mr. Lievano?</p> <p>14 A. And the chef that was there. But</p> <p>15 yes, I was in charge too.</p> <p>16 Q. At the time that they worked for you,</p> <p>17 did you maintain records of the employment of</p> <p>18 Santos Hernandez and Emanuel De Jesus Lievano?</p> <p>19 A. If I you request records, meaning?</p> <p>20 Payroll records or --</p> <p>21 Q. Employment records.</p> <p>22 A. Yes. It was just the payroll, yes.</p> <p>23 Q. Did you determine their rate of pay?</p> <p>24 A. Yes.</p> <p>25 Q. Were you the owner of Rosso Uptown</p>

12 (Pages 45 to 48)

July 22, 2022

<p style="text-align: right;">Page 49</p> <p>1 M. GAMMELLA</p> <p>2 Limited?</p> <p>3 A. Yes.</p> <p>4 Q. Did you have operational control over</p> <p>5 Rosso Uptown Limited?</p> <p>6 A. Yes.</p> <p>7 Q. Were you a signatory on the bank</p> <p>8 accounts of Rosso Uptown Limited?</p> <p>9 A. Yes.</p> <p>10 Q. When I say "Mr. Hernandez", you</p> <p>11 understand I mean Santos Hernandez, correct?</p> <p>12 A. Yes, now. Because I get it confused</p> <p>13 with Vasques. Santos Hernandez, that's the</p> <p>14 one.</p> <p>15 Q. You understand that when I've been</p> <p>16 asking you about Mr. Hernandez, I have been</p> <p>17 asking you about Mr. Santos Hernandez?</p> <p>18 A. Yes.</p> <p>19 Q. Was Mr. Hernandez an employee of</p> <p>20 Rosso Uptown?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know whether he was employed</p> <p>23 from March 20th of 2016, until July 1st of</p> <p>24 2018?</p> <p>25 A. As I recall he was employed around</p>	<p style="text-align: right;">Page 51</p> <p>1 M. GAMMELLA</p> <p>2 A. That I am in the business, yes.</p> <p>3 Q. What is spread of hours pay?</p> <p>4 A. Like I said, I am not -- how many</p> <p>5 hours you supposed to be working in through the</p> <p>6 week. Which we basically -- sorry if I'm go</p> <p>7 into explanation. We basically only worked</p> <p>8 forty hours if and most for each employee</p> <p>9 because we were not that busy.</p> <p>10 Q. What is your understanding of what</p> <p>11 spread of hours pay is?</p> <p>12 A. That if you go over a certain amount</p> <p>13 of hours, they supposed to pay extra.</p> <p>14 Q. Number of hours per way, per day?</p> <p>15 A. Per week or per day I suppose as far</p> <p>16 as I know. You can only work so many hours</p> <p>17 during the day. And if go you work more than</p> <p>18 the regular hours, I guess you have to -- it's</p> <p>19 supposed to get paid more.</p> <p>20 Q. How much more were they supposed to</p> <p>21 be paid?</p> <p>22 A. I believe it's time and a half for</p> <p>23 now or it was always.</p> <p>24 Q. After how many hours per week?</p> <p>25 A. I really don't recall then. But I</p>
<p style="text-align: right;">Page 50</p> <p>1 M. GAMMELLA</p> <p>2 2016, yes. I don't know if it's -- I don't</p> <p>3 recall exactly the dates. But yes, he was</p> <p>4 employed through that period of time.</p> <p>5 Q. Do you know what his scheduled hours</p> <p>6 were?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know what his title was?</p> <p>9 A. Yes. Dishwasher.</p> <p>10 Q. Did you pay him a salary?</p> <p>11 A. No.</p> <p>12 Q. Did you ever pay him any amount in</p> <p>13 cash?</p> <p>14 A. Not that I recall. Nope. Not me.</p> <p>15 Q. Did you give him a wage notice or</p> <p>16 other documents at the time that you hired him?</p> <p>17 A. We did.</p> <p>18 Q. That was a form that was issued by</p> <p>19 the New York State Department of Labor, the</p> <p>20 official wage notice?</p> <p>21 A. Tells you the wage at the time was</p> <p>22 whatever it was, \$10.00, \$9.00. They sign and</p> <p>23 we kept it all. And like I said, it's gone.</p> <p>24 Q. Are you familiar with something</p> <p>25 called spread of hours pay?</p>	<p style="text-align: right;">Page 52</p> <p>1 M. GAMMELLA</p> <p>2 believe right now it's after forty.</p> <p>3 Q. Do you know how many hours per week</p> <p>4 it was when you were the owner of Rosso Uptown?</p> <p>5 A. I don't recall. But it was less than</p> <p>6 forty.</p> <p>7 Q. What was Mr. Lievano's work schedule?</p> <p>8 A. I do not recall. He was part time.</p> <p>9 That I know. He was only part time. I don't</p> <p>10 recall his schedule.</p> <p>11 Q. What was Mr. Lievano's title?</p> <p>12 A. Mostly helper, kitchen helper.</p> <p>13 Q. Was Mr. Emanuel De Jesus Lievano</p> <p>14 employed by Rosso Uptown?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if he was employed from</p> <p>17 August of 2016 until July 1st of 2018?</p> <p>18 A. I do not recall. I recall there was</p> <p>19 much less than that. He was only part time.</p> <p>20 And he worked less than that period. But I</p> <p>21 cannot recall the exact dates. He did get</p> <p>22 employed, yes. The answer is yes. For the</p> <p>23 period that long, I do not recall.</p> <p>24 Q. 24 Manor Haven Boulevard, who owns</p> <p>25 that building?</p>

13 (Pages 49 to 52)

July 22, 2022

<p style="text-align: right;">Page 53</p> <p>1 M. GAMMELLA</p> <p>2 A. 24 Manor Haven Incorporated. It's</p> <p>3 the landlord.</p> <p>4 Q. Okay. Who owns 24 Manor Haven, the</p> <p>5 company?</p> <p>6 A. I don't know. The landlord. I don't</p> <p>7 know his last name. You want me to find out.</p> <p>8 I can't recall. It's a landlord. He is in</p> <p>9 Jersey. Anthony, he is the owner which I</p> <p>10 believe in Port Washington, Anthony Saldano. I</p> <p>11 can look it up but -- the real owner of 24</p> <p>12 Manor Haven, I mean, I didn't investigate.</p> <p>13 It's a fellow Joe Visco. Joseph Visco now that</p> <p>14 I recall.</p> <p>15 Q. Did Mr. Michael Tizzano ever work at</p> <p>16 Rosso Uptown?</p> <p>17 A. He was helping me with the menus. He</p> <p>18 was consulting basically. He was consulting</p> <p>19 with other restaurants, other places as well.</p> <p>20 And he did help me out. He's been my friend</p> <p>21 for many years. Menus, ideas but that's it.</p> <p>22 Other than that, helped us sometime, you know,</p> <p>23 make changes in the menu and food.</p> <p>24 Q. How many years have you been friends?</p> <p>25 A. Fifteen years.</p>	<p style="text-align: right;">Page 55</p> <p>1 M. GAMMELLA</p> <p>2 Mr. Tizzano since June 3rd of 2022?</p> <p>3 A. This month?</p> <p>4 Q. Yes. Since the beginning of June,</p> <p>5 have you worked with Mr. Tizzano?</p> <p>6 A. Yes.</p> <p>7 Q. And have you seen him maybe five</p> <p>8 times a week in June?</p> <p>9 A. Four times a week and then I just</p> <p>10 came back because my father ill. I went away</p> <p>11 and now he is away. But that day to this day,</p> <p>12 five, six times, seven times, yes.</p> <p>13 Q. How many times have you spoken with</p> <p>14 Mr. Tizzano since June 3rd of 2022?</p> <p>15 A. Multiple times. We work together.</p> <p>16 We also speak about a lot of issues.</p> <p>17 Q. Would you say it's more than ten</p> <p>18 times?</p> <p>19 A. I would say it's more, but plenty</p> <p>20 times -- five, six, seven, eight. I don't</p> <p>21 recall. We work together. We talk all the</p> <p>22 time. I mean, we work together. We have a lot</p> <p>23 of things we have to talk about.</p> <p>24 Q. Were you aware that he testified on</p> <p>25 June 3, 2022?</p>
<p style="text-align: right;">Page 54</p> <p>1 M. GAMMELLA</p> <p>2 Q. Do you get along?</p> <p>3 A. Pretty much.</p> <p>4 Q. How did you become friends?</p> <p>5 A. We just met here in New York. One of</p> <p>6 my old -- used to own a bar in Manhasset, the</p> <p>7 Old Speakeasy Bar. Which we met there and that</p> <p>8 was it.</p> <p>9 Q. Have you been friends ever since?</p> <p>10 A. Yes.</p> <p>11 Q. Do you celebrate birthdays together</p> <p>12 or family events together?</p> <p>13 A. No. Not really. Sometimes we do</p> <p>14 celebrate birthday, me and him, have a drink.</p> <p>15 But family, no.</p> <p>16 Q. Do you work together?</p> <p>17 A. Yes, now we do.</p> <p>18 Q. How often do you see Mr. Tizzano now?</p> <p>19 A. At least a few times a week or more.</p> <p>20 Q. Has that been the same since June 3rd</p> <p>21 of 2022 that you have seen him?</p> <p>22 A. Yeah, even before. We always seen</p> <p>23 each other. We have been friends for over</p> <p>24 fifteen years.</p> <p>25 Q. How many times per week have you seen</p>	<p style="text-align: right;">Page 56</p> <p>1 M. GAMMELLA</p> <p>2 A. Of course.</p> <p>3 Q. Did he talk to you about his</p> <p>4 deposition before June 3rd of 2022?</p> <p>5 A. He spoke to me about that he was</p> <p>6 coming to a deposition, yes. We spoke. We</p> <p>7 knew both because we were on a judge conference</p> <p>8 call.</p> <p>9 Q. Tell me everything that you and Mr.</p> <p>10 Tizzano spoke about before his deposition of</p> <p>11 June 3rd of '22 concerning the deposition.</p> <p>12 A. Concerning the deposition, we not</p> <p>13 talk about. He was concerned about the</p> <p>14 deposition. Yes, he told me about it. We knew</p> <p>15 about it. Like I said, we knew about. Like I</p> <p>16 said, we spoke with you and the judge. We have</p> <p>17 the deposition. But him in details talk to me</p> <p>18 about it, no.</p> <p>19 Q. Okay. How about after he testified?</p> <p>20 After he testified did you ever ask him how it</p> <p>21 went?</p> <p>22 A. Yes. I said, "How was the</p> <p>23 deposition?" Yes.</p> <p>24 Q. What did he say?</p> <p>25 A. He said that it went fine. He said</p>

14 (Pages 53 to 56)

July 22, 2022

Page 57	Page 59
<p>1 M. GAMMELLA</p> <p>2 whatever, you know, truthfully he understood to</p> <p>3 answer and that was it. He didn't go into</p> <p>4 details on anything.</p> <p>5 Q. Did he say anything else to you or</p> <p>6 you say anything else to him about his</p> <p>7 deposition after June 3rd of 2022?</p> <p>8 A. No. Because after that I went away</p> <p>9 and he is away. But no, we didn't speak about</p> <p>10 it in details. No.</p> <p>11 Q. Why not?</p> <p>12 A. Because there is nothing to talk</p> <p>13 about details. He spoke the truth about</p> <p>14 whatever he was doing at my place at the time.</p> <p>15 And he told, Massimo and that's what I know.</p> <p>16 That's it.</p> <p>17 Q. Why wouldn't you ask him what kind of</p> <p>18 questions he was asked?</p> <p>19 A. Because we already know what kind of</p> <p>20 questions. They want to ask about the records</p> <p>21 and everything else. He knew nothing about it.</p> <p>22 He actually always tell me and he told the</p> <p>23 judge that he doesn't know why he is getting</p> <p>24 used. Whatever.</p> <p>25 Q. So you never -- other than you asking</p>	<p>1 M. GAMMELLA</p> <p>2 truth, whatever he answered he could possibly</p> <p>3 remember. And that was it.</p> <p>4 Q. What's your cell phone number?</p> <p>5 A. (516)633-7977.</p> <p>6 Q. What is Mr. Tizzano's cell phone</p> <p>7 number?</p> <p>8 A. I don't remember.</p> <p>9 Q. Do you have it in your phone?</p> <p>10 A. Yes, because he changed it. He kept</p> <p>11 on changing it. Yes, of course. I called him</p> <p>12 on the cell. Of course I have his phone</p> <p>13 number. Now it's (516)262-9972.</p> <p>14 Q. When you communicate with Mr. Tizzano</p> <p>15 via text, do you do it through What's App, do</p> <p>16 you do it through a text message?</p> <p>17 A. Mostly What's App. And he is away</p> <p>18 anyway.</p> <p>19 Q. Is there a separate What's App number</p> <p>20 or profile that you have?</p> <p>21 A. No.</p> <p>22 Q. Is there any separate What's App</p> <p>23 number or profile that he has?</p> <p>24 A. Not that I know of. Not with me.</p> <p>25 Q. Would you have any objection to us</p>
Page 58	Page 60
<p>1 M. GAMMELLA</p> <p>2 him how it went and him saying it's okay, I</p> <p>3 testified honestly, he didn't say anything else</p> <p>4 you and you didn't say anything else to him</p> <p>5 about his testimony?</p> <p>6 A. No. No meaning -- yeah, we spoke</p> <p>7 about it, how it went. You know, that's about</p> <p>8 it. I mean, right now I spoke to him before.</p> <p>9 He knows that I got to go to court. He is away</p> <p>10 actually. I say I'm going to go in and tell</p> <p>11 them whatever I know. And that's it. I never</p> <p>12 talked to him about it.</p> <p>13 Q. Tell me what you spoke about with</p> <p>14 him.</p> <p>15 A. Nothing. That I have to go to</p> <p>16 conference. He remind me actually. Don't</p> <p>17 forget. I say yes, I'm on my way. And that</p> <p>18 was it. We work together. We've been friends</p> <p>19 for almost twenty years.</p> <p>20 Q. About his testimony on June 3rd tell</p> <p>21 me everything that you said to each other about</p> <p>22 that testimony after it happened.</p> <p>23 A. There's not much to say. I told you.</p> <p>24 We don't talk the details. He told me that he</p> <p>25 came here, he spoke to you, he said all the</p>	<p>1 M. GAMMELLA</p> <p>2 looking at the text messages between you and</p> <p>3 Mr. Tizzano after his deposition of June 3rd of</p> <p>4 2022?</p> <p>5 A. Yes, I do. Even before. Before and</p> <p>6 after there is a lot of personal things, a lot</p> <p>7 of things that don't concern anyone else.</p> <p>8 Q. What personal things are in there</p> <p>9 that you believe -- I don't want to know the</p> <p>10 specifics. What personal subjects are in there</p> <p>11 that you believe should be protected?</p> <p>12 A. Family, sexual preferences -- all</p> <p>13 kinds of stuff that has nothing to do with</p> <p>14 this. That's personal stuff. So I am not</p> <p>15 going to go there not that I want him to even</p> <p>16 ask.</p> <p>17 Q. Okay. But if you and him had</p> <p>18 communicated by text message about his</p> <p>19 testimony --</p> <p>20 A. We communicate every day almost.</p> <p>21 Q. -- by text messages it would be in</p> <p>22 the What's App message if, in fact, you did?</p> <p>23 A. Talk about what?</p> <p>24 Q. His testimony.</p> <p>25 A. If I talked about his testimony then?</p>

15 (Pages 57 to 60)

July 22, 2022

Page 61

1M. GAMMELLA

2He was here at the time. So at the time I

3don't think we text. I think we spoke.

4Q. Okay. And you haven't sent any text

5message to him and he hasn't sent any text

6message to you about his testimony of June 3rd

7of 2022?

8A. Other than now, yesterday, no. We

9text all the time, yes, all kinds of stuff,

10yes.

11Q. Yesterday what did you text about?

12A. Just that I was to go and he remind

13me because I am all over the place. I got a

14lot going on. I told him yes, I know. As a

15matter of fact your secretary called me as

16well. She said she couldn't find my e-mail

17address. It was wrong, which I don't think if

18it's possible. So I did ask him about what it

19was. And he actually told me. And then I got

20in touch with your secretary and she told me

21the address and the room. That's it.

22Q. Do you believe that Mr. Santos

23Hernandez or Mr. Emanuel De Jesus Lievano have

24any valid claim against you or Rosso Uptown?

25A. No.

Page 63

1M. GAMMELLA

2It was not a Chase. They closed the bank.

3They closed the branch by us. It was a

4different bank. I'm sorry. I don't recall. I

5can get it for you. I can definitely get it

6for you.

7Q. Was Mr. Tizzano ever a signatory on

8the Rosso Uptown bank account?

9A. No.

10Q. Was he ever a co-owner?

11A. No.

12MR. MOSER: Is there anything

13else you would like to add?

14MR. GAMMELLA: No.

15MR. MOSER: Thank you so much

16for your time. I appreciate it.

17(Time noted: 11:20 a.m.)

18

19

20

21MASSIMO GAMMELLA

22Subscribed and sworn to

23before me this day

24of , 2022.

25

26NOTARY PUBLIC

Page 62

1M. GAMMELLA

2Q. Can you please explain why not?

3A. Because at the time when we did

4work -- open and working, they did get paid

5what they supposed to get paid. They never

6told us otherwise. Even when we were about to

7close -- the other one left, Emanuel Lievano.

8He left way before. He never even told us why.

9He just left. We never heard again except when

10he show up at the other place. Mr. Hernandez,

11he worked for us, like I said, longer. But he

12never -- was only dishwasher. He never told us

13any issues that he had with pay. And then we

14end up closing because we lost everything

15unfortunately. It's not like we were

16flourishing and we doing all this business and

17we not underpay these people. We actually

18closed. I lost everything. This is not

19something that it was my plan. I lost

20literally everything including my house.

21Q. And when we talk about -- you said

22you had an account at Chase for Rosso Uptown.

23Where were your bank accounts for Pepe Rosso?

24A. Where were they? They were at --

25it's a small bank. One was Bank of America.

Page 64

1

2INDEX TO TESTIMONY

3

4WITNESS EXAMINATION BY PAGE

5M. Gammella Mr. Moser 5

6

7

8EXHIBITS

9PLAINTIFFS' PAGE

10Exhibit 21 One-page document 10

11

12

13REQUESTS FOR PRODUCTION

14DESCRIPTION PAGE

15An employment record of Mr. 47

16Miquel Antonio Vasques with

17his signature to compare it to

18the signature on Plaintiff's

19Exhibit 21

20

21

22INSERTS

23(None)

24

25

16 (Pages 61 to 64)

July 22, 2022


Page 65

1
2 CERTIFICATE
3

4 I, ANNE SIMPSON, a shorthand reporter
5 and Notary Public within and for the State
6 of New York, do hereby certify:

7 That the witness(es) whose testimony
8 is hereinbefore set forth was duly sworn
9 by me, and the foregoing transcript is a
10 true record of the testimony given by such
11 witness(es).

12 I further certify that I am not
13 related to any of the parties to this
14 action by blood or marriage, and that I am
15 in no way interested in the outcome of
16 this matter.

17
18 
19 _____
20 ANNE SIMPSON
21
22
23
24
25

Page 66

1 ERRATA SHEET FOR: MASSIMO GAMELLA
2 MASSIMO GAMELLA, being duly sworn, deposes and
3 says: I have reviewed the transcript of my
4 proceeding taken on 07/22/2022. The following
5 changes are necessary to correct my testimony.

6 PAGE LINE CHANGE REASON

7 -----
8 -----
9 -----
10 -----
11 -----
12 -----
13 -----
14 -----
15 -----
16 -----
17 -----
18 -----
19 -----
20 -----
21 -----

22 Witness Signature: _____

23 Subscribed and sworn to, before me
24 this ____ day of _____, 20 ____.

25 (NOTARY PUBLIC) MY COMMISSION EXPIRES

17 (Pages 65 to 66)

July 22, 2022

[Page 67]

A				
a.m (2) 1:19 63:17	ago (22) 6:7,12,13,14 6:24 7:12,19 8:7,15 26:3 29:6 34:16,17 34:22,24 38:19,24,25 41:2,22 44:19 47:5	60:22 appreciate (1) 63:16 approximate... 40:23,24 area (1) 23:15 asked (7) 8:16 9:8 17:3 37:20 38:16 38:18 57:18 asking (4) 32:9 49:16,17 57:25 attempt (1) 29:10 attention (1) 27:8 attorney (3) 12:22 36:8 38:6 Attorneys (1) 2:6 August (1) 52:17 authority (4) 26:14,20 47:10 48:2 Average (1) 5:3 aware (2) 46:13 55:24 awhile (1) 9:15	bag (1) 24:20 bank (21) 31:8,10,16 32:15,21 33:2 33:6,14 34:5 35:3,9,19 40:14,17 49:7 62:23,25,25 63:2,4,8 banks (1) 36:6 bar (2) 54:6,7 based (1) 35:23 basement (1) 28:5 basically (6) 21:6 28:7 41:15 51:6,7 53:18 beginning (5) 37:5,11,23 45:22 55:4 belief (1) 35:23 believe (24) 8:5,25 12:15 17:12 29:17 31:5 35:4,18 35:19,22 40:13,19 41:14,21 42:16 45:17 47:3,23 51:22 52:2 53:10 60:9,11 61:22 belong (1) 8:22 Berrara (4) 6:21,22,25 7:20 best (5)	44:12,25 45:11 45:14,18 big (2) 24:24 32:23 birthday (1) 54:14 birthdays (1) 54:11 bit (1) 15:11 Black (1) 21:15 blood (1) 65:14 books (4) 28:16,19,20,21 borrowed (2) 24:11,24 bottom (1) 23:22 Boulevard (5) 2:15 5:13,19 10:12 52:24 branch (1) 63:3 Brazil (2) 19:25 47:3 Brazilian (1) 19:22 bring (4) 19:6,16 25:8,9 Broadhollow... 1:15 brought (6) 19:3 24:18 25:3,14,18,22 building (1) 52:25 business (4) 7:15 41:19 51:2 62:16 busy (1) 51:9 buy (1)
		B		
above-entitle... 1:22 access (2) 16:4,24 account (15) 31:4,22 32:2,3 32:21 33:14 33:17 34:6,9 34:16,17,20 36:10 62:22 63:8 accountant (...) 30:3,5,6,11 36:13,18 37:2 37:3,6,8,13 38:13,14,15 39:4,11 40:8 40:11 44:9 45:4,12 accounts (4) 31:8,10 49:8 62:23 action (2) 1:22 65:14 actual (1) 7:13 add (3) 25:25 32:21 63:13 address (6) 5:11,18,20,22 61:17,21 ADP (5) 29:15,17,17,20 29:21 against- (1) 1:9	agree (1) 20:23 AGREED (3) 3:4,10,15 agrees (1) 12:24 America (1) 62:25 amount (3) 7:23 50:12 51:12 Anne (4) 1:23 3:23 65:4 65:20 answer (8) 16:8 29:22 36:17 47:22 47:24 48:8 52:22 57:3 answered (2) 15:21 59:2 Anthony (2) 53:9,10 Antonio (5) 1:7 9:10 10:2 47:9 64:16 anybody (2) 9:2,23 anyway (4) 9:2 23:8 34:25 59:18 apologize (1) 11:11 App (5) 59:15,17,19,22			

July 22, 2022

[Page 68]

7:15	19:20 48:15	24:2,6	confused (2)	cups (1)
C	Chase (8)	combine (1)	41:13 49:12	24:23
C (3)	31:3,12,16,25	20:13	considered (1)	D
2:2 65:2,2	32:3,20 62:22	come (1)	23:16	
call (7)	63:2	21:8	consulting (2)	Dark (1)
23:17 30:19	check (12)	coming (1)	53:18,18	42:12
38:11,12,14	28:23,24 29:2	56:6	control (2)	darker (1)
45:12 56:8	29:2,3,15,20	COMMISSI...	48:6 49:4	42:12
called (10)	29:21,23 30:2	66:25	controlled (1)	date (5)
21:20 22:7,8	30:5 33:11	communicat...	48:12	6:15 10:18
30:11 38:15	checked (1)	59:14 60:20	convenient (1)	12:15 40:23
39:14 45:3	35:15	communicat...	7:3	42:20
50:25 59:11	checks (8)	60:18	copies (3)	dates (3)
61:15	32:13,16 33:10	community (1)	31:12 32:13,16	25:14 50:3
cameras (1)	33:10,16,16	22:22	copy (8)	52:21
8:17	40:14,17	company (22)	14:2,3,6,9,13	day (9)
car (2)	chef (4)	15:18 16:20,22	14:21,23	17:24 51:14,15
33:13 35:2	19:19 20:4	17:3 28:18	47:15	51:17 55:11
case (2)	25:6 48:14	29:4,7,8,11	corporation ...	55:11 60:20
7:21 9:23	choice (1)	31:24 32:4,19	20:22	63:22 66:23
cash (3)	41:18	33:3 35:7,10	correct (15)	days (4)
28:22,25 50:13	claim (1)	35:20 37:14	6:20 10:13	17:18,20 18:3
celebrate (2)	61:24	39:21,24 40:4	21:12,17,21	18:3
54:11,14	clarify (1)	45:5 53:5	33:4,5 35:15	De (14)
cell (3)	25:13	compare (1)	38:13 39:12	1:6 8:12 9:25
59:4,6,12	clear (1)	64:17	39:14 42:21	26:9 42:3,7
certain (3)	33:12	compensatio...	44:15 49:11	44:3 46:5,19
20:12,12 51:12	clients' (1)	43:23	66:4	48:4,7,18
certification ...	45:10	completely (1)	counsel (1)	52:13 61:23
3:7	close (2)	48:8	3:5	decision (1)
certify (2)	34:19 62:7	computer (1)	country (3)	26:13
65:6,12	closed (19)	36:20	19:25 47:4,6	decisionmak...
change (3)	8:7 17:24 18:3	concern (1)	couple (1)	26:19
19:24 21:25	18:13 26:2	60:7	35:2	decisions (1)
66:6	34:7,9,10,19	concerned (1)	course (5)	26:20
changed (4)	37:12 41:14	56:13	20:10 31:9	Defendant (1)
9:12 22:3,4	41:15,16,17	concerning (2)	56:2 59:11,12	1:21
59:10	41:17 42:18	56:11,12	court (10)	Defendants (1)
changes (2)	62:18 63:2,3	condition (1)	1:2 3:19 4:8	1:12
53:23 66:4	closing (2)	4:23	31:13,16,20	deficit (1)
changing (1)	46:12 62:14	conference (2)	36:3,22 38:3	4:22
59:11	co-owner (1)	56:7 58:16	58:9	definitely (3)
charge (2)	63:10	confirming (2)	created (1)	26:5 28:14
	color (2)	47:16,17	21:19	63:5

July 22, 2022

[Page 69]

deny (1) 31:22	27:22 28:11	effort (4) 44:9 45:11,14	exact (2) 6:15 52:21	far (2) 26:4 51:15
Department ... 50:19	30:23 39:10	45:18	exactly (2) 7:24 50:3	father (1) 55:10
deposes (1) 66:2	44:22 47:19	eight (4) 29:5 34:16,17	EXAMINAT... 1:21 5:6 64:4	fax (1) 14:20
deposition (13) 3:7,16 26:25	documents (...) 15:4,12,17,23	55:20	examined (1) 3:24	federal (1) 38:3
56:4,6,10,11	15:24 16:2,5	either (2) 15:20 26:10	execute (1) 15:16	fellow (3) 8:5 19:22
56:12,14,17	17:4 27:11,14	elevated (1) 23:18	Exhibit (6) 10:17,20 26:25	53:13
56:23 57:7	27:18,23	Emanuel (15) 1:6 8:12 9:25	44:18 64:10	fifteen (2) 53:25 54:24
60:3	28:10 30:11	26:9 42:3,7	64:19	figure (1) 9:12
depositions (2) 44:13 45:10	30:22 31:3,16	44:3 46:5,19	EXHIBITS (1) 64:8	figured (1) 22:16
describe (2) 42:7,9	32:7,10 36:2	48:4,7,18	EXPIRES (1) 66:25	filing (1) 3:6
DESCRIPTI... 64:14	38:3,4,17	52:13 61:23	explain (4) 12:19 13:10	finally (1) 8:23
destroy (1) 36:6	39:19 44:18	62:7	44:24 62:2	find (15) 29:10,13 30:22
details (5) 56:17 57:4,10	50:16	employed (6) 49:22,25 50:4	explaining (1) 36:24	31:6 33:20
57:13 58:24	doing (3) 20:3 57:14	52:14,16,22	explanation (...) 51:7	34:2,3,4 35:5
determine (2) 30:3 48:23	62:16	employee (2) 49:19 51:8	explanations... 36:14,15	36:21 42:22
different (3) 9:14 10:8 63:4	dragging (1) 38:24	employees (1) 26:15	extra (1) 51:13	45:4 47:7
direct (1) 27:7	drink (1) 54:14	employer (1) 47:9		53:7 61:16
discounts (1) 20:15	Drive (1) 6:7	employment ... 48:17,21 64:15	F	finds (1) 44:10
dishwasher (2) 50:9 62:12	duly (3) 3:22 65:8 66:2	English (2) 12:25 13:4	F (1) 65:2	fine (2) 47:23 56:25
DISTRICT (2) 1:2,3	duty (1) 39:10	entity (1) 22:21	fact (6) 22:5 24:2,6	finish (2) 14:5 24:5
document (32) 10:14,16,21,23	E	ERRATA (1) 66:1	34:8 60:22	fire (2) 26:14 48:3
10:25 11:2,5	E (5) 2:2,2 3:21 65:2	Especially (1) 46:11	61:15	fired (2) 41:3,5
11:15,18,21	65:2	ESQ (1) 2:9	fair (1) 44:21	firing (1) 26:20
11:24 12:4,20	e-mail (2) 14:20 61:16	established (1) 38:12	familiar (3) 22:14,15 50:24	FIRM (1) 2:5
12:24 13:8,18	easier (1) 15:11	estate (2) 7:7,13	family (4) 21:7 54:12,15	first (3) 3:22 17:22,22
13:20 14:7,14	East (1) 2:7	events (1) 54:12	60:12	
14:16 26:23	EASTERN (1) 1:3			
27:2,8,15,19	effect (1) 3:18			

July 22, 2022

[Page 70]

five (12) 17:19,20,22 18:3 24:21 26:3 34:22 36:5,7 55:7 55:12,20	36:22	49:1 50:1	60:15 61:14	53:17
fix (1) 7:15	four (4) 34:21 36:5,7 55:9	51:1 52:1	good (6) 4:2 5:2 21:25 22:6,9 44:8	hereinbefore... 65:8
Flanders (3) 6:7,16 7:7	frequently (1) 25:22	53:1 54:1	guarantee (1) 45:15	hereto (1) 3:6
flood (1) 28:5	friend (2) 21:7 53:20	55:1 56:1	guess (6) 6:25 7:22 12:11 40:25 46:11 51:18	Hernandez (...) 1:6 6:17,18 8:4 9:25 26:6 28:15 40:2,9 40:15,21 41:9 41:10,10,12 41:24 43:3,5 43:11,17 44:14 46:2,15 48:3,7,12,18 49:10,11,13 49:16,17,19 61:23 62:10
flourishing (1) 62:16	friends (6) 20:21 53:24 54:4,9,23 58:18	getting (2) 41:13 57:23	guy (3) 16:9 19:20 26:18	Hernandez' (...) 43:22
flows (1) 15:11	further (3) 3:10,15 65:12	girlfriend (2) 6:9 9:5	guys (2) 9:13 18:10	hill (1) 23:21
fluent (1) 13:2	<hr/> G <hr/>	girlfriend's (1) 8:20	<hr/> H <hr/>	hire (1) 48:3
following (2) 22:19 66:3	G (1) 3:21	give (16) 13:20 14:16 16:14,17 17:6 30:18 32:8 36:4,14,15,18 40:23 45:11 45:14 47:6 50:15	hair (1) 42:12	hired (7) 15:15,22 16:22 26:6,9 40:21 50:16
follows (1) 3:25	Gamella (3) 5:10 66:1,2	given (1) 65:10	half (1) 51:22	hiring (2) 26:7,20
food (4) 19:2 20:3 25:22 53:23	Gammella (7... 1:11,21 2:13 4:1,3 5:1 6:1 7:1 8:1 9:1 10:1 11:1,10 11:11 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1,20 48:1	go (24) 18:6 25:7 32:15,20,24 32:25 33:11 33:20 34:2,5 34:11 38:4 39:11 44:6 45:13 51:6,12 51:17 57:3 58:9,10,15 60:15 61:12	Handing (2) 10:21 27:3	home (1) 14:17
foods (2) 24:18 25:14		going (17) 4:3 10:14,19 13:6 18:5 19:13 23:13 25:10 26:23 27:7 31:22 34:4 36:4 47:21 58:10	handling (3) 29:16,24 30:3	honestly (4) 4:18 7:24 13:5 58:3
force (1) 3:18			happened (1) 58:22	hour (2) 43:17,20
foreclosure (1) 7:4			happening (1) 34:23	hours (20) 17:10 43:10,13 44:3 45:25 46:4,14,18 50:5,25 51:3 51:5,8,11,13 51:14,16,18
foregoing (1) 65:9			Haven (8) 2:15 5:13,19 10:11 52:24 53:2,4,12	
forget (2) 19:21 58:17			heard (1) 62:9	
form (4) 3:11 15:16 16:18 50:18			held (1) 1:22	
forth (2) 18:6 65:8			help (2) 18:11 53:20	
forty (3) 51:8 52:2,6			helped (1) 53:22	
found (3) 31:3 34:25			helper (2) 52:12,12	
			helping (1)	

July 22, 2022

[Page 71]

51:24 52:3 house (4) 6:6,11 7:4 62:20 Huntington (1) 2:8	53:12 involved (1) 13:14 issued (1) 50:18 issues (2) 55:16 62:13 Italian (1) 23:10 items (2) 24:22 26:5	kept (5) 12:11 18:5 20:16 50:23 59:10 kicked (3) 28:8 45:6,23 kids (1) 20:21 kind (3) 22:11 57:17,19 kinds (2) 60:13 61:9 kitchen (2) 24:24 52:12 knew (5) 33:2 56:7,14 56:15 57:21 know (83) 4:16 7:3 8:3,11 8:16,16,24 9:9,11,12,21 10:8,24 12:21 14:8 16:6,8,9 16:10 18:12 20:2 22:10,17 22:17 23:5,7 23:12,19,19 23:23 24:17 24:21 25:2,25 31:19 33:3 35:9,12,13,13 36:3,8,9,10 36:13 37:22 38:9 39:6 40:7,10,13,16 40:20 41:7 42:12 45:9,16 45:21 46:14 46:17,18 47:12,25 49:22 50:2,5 50:8 51:16 52:3,9,16 53:6,7,22	57:2,15,19,23 58:7,11 59:24 60:9 61:14 known (3) 5:15 22:21,23 knows (1) 58:9	44:3 52:7,11 liked (2) 23:9 24:4 Limited (5) 8:9 10:3 49:2,5 49:8 LINE (1) 66:6 list (1) 47:21 listen (1) 15:19 literally (1) 62:20 little (5) 6:3 13:2,6 15:11 26:4 live (2) 5:24 6:5 lived (1) 6:6 living (2) 6:2,23 locate (2) 30:22 45:18 located (3) 10:11 23:16 31:11 location (3) 11:23 25:3 31:2 long (9) 6:6 7:19 16:10 36:9 40:25 41:24 42:3 43:2 52:23 longer (2) 46:22 62:11 look (11) 27:4 29:13 30:25 36:19 36:20 37:16 38:7,10,20 44:6 53:11
I	J		L	
ID (2) 14:23,25 idea (6) 8:21 15:6 23:14 36:10 36:12 40:3 ideas (2) 21:8 53:21 identificatio... 10:18 47:11,16 ill (1) 55:10 important (1) 15:9 including (1) 62:20 Incorporate... 53:2 INDEX (1) 64:2 indicating (1) 25:17 individual (3) 8:3,11 9:9 individuals (2) 46:13,17 information ... 47:6 INSERTS (1) 64:22 intentionally... 32:25 interested (1) 65:15 investigate (3) 9:15 37:16	Japan (2) 19:25 47:4 Jersey (1) 53:9 Jesus (14) 1:6 8:12 9:25 26:9 42:3,7 44:3 46:5,19 48:4,7,18 52:13 61:23 Joe (1) 53:13 Joseph (1) 53:13 judge (4) 36:16 56:7,16 57:23 July (3) 1:18 49:23 52:17 June (14) 12:14 26:25 54:20 55:2,4 55:8,14,25 56:4,11 57:7 58:20 60:3 61:6			
	K			
	keep (4) 23:12 36:2,9 36:10		Lievano (23) 1:7 8:12 9:25 26:9 28:15 40:6,12,18 42:4,8,14 43:14,19 44:14 46:5,19 48:4,7,13,18 52:13 61:23 62:7 Lievano's (3)	

July 22, 2022

[Page 72]

looked (2) 42:10 45:2	54:1 55:1 56:1 57:1	38:24 49:11 53:12 55:22	month (1) 55:3	19:24 20:20 22:4
looking (1) 60:2	58:1 59:1 60:1 61:1	58:8 meaning (3) 22:13 48:19	months (3) 8:15 28:7 42:5	necessary (1) 66:4
lost (4) 19:23 62:14,18 62:19	62:1 63:1 64:5	58:6 meant (2) 38:8 47:2	morning (1) 4:2	need (3) 25:7 30:13,15
lot (8) 8:17 18:12 23:19 55:16 55:22 60:6,6 61:14	Main (3) 2:7 23:20,23	Melville (1) 1:16	Moser (15) 2:5,9 4:2,10,16 4:21,25 5:5,7 14:4 15:7 47:14 63:12 63:15 64:5	needed (2) 30:7,12
loyal (1) 22:19	maintain (1) 48:17	memory (4) 4:22,23 5:2,4	mouth (1) 13:7	never (22) 18:19,23,23 30:6 35:15 37:16,21,21 37:23,24,24 38:20 39:16 45:23 46:8 57:25 58:11 62:5,8,9,12 62:12
lunch (3) 8:21 9:3,5	managed (1) 26:17	menu (1) 53:23	moved (3) 7:17 19:24 20:2	
<hr/> M <hr/>	manager (6) 19:22 26:8,11 48:9,10,11	menus (2) 53:17,21	moving (1) 6:8	
M (65) 3:21,21,21,21 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1	manger (1) 46:22	mess (1) 32:23	Multiple (1) 55:15	
	Manhasset (1) 54:6	message (5) 59:16 60:18,22 61:5,6	<hr/> N <hr/>	
	Manor (8) 2:15 5:13,19 10:11 52:24 53:2,4,12	messages (2) 60:2,21	N (2) 2:2 3:2	New (11) 1:3,16,24 2:8 2:16 3:24 5:14 6:8 50:19 54:5 65:6
	March (1) 49:23	met (2) 54:5,7	name (26) 5:8 8:3,11 9:9 9:12,16 10:8 11:7 19:21 20:19,22,23 20:24 21:12 21:25 22:24 23:8 24:4,7 29:11 32:11 33:17 35:7 45:5 47:8 53:7	noon (2) 17:14,15
	marked (4) 10:15,17,20 26:24	Michael (4) 1:10 11:7 18:24 53:15		Nope (2) 25:24 50:14
	marriage (1) 65:14	mind (1) 41:22		normal (1) 5:3
	Massimo (11) 1:11,21 2:13 5:10 11:10,11 25:6 57:15 63:20 66:1,2	mine (1) 17:9		Nos (1) 30:23
	matches (1) 47:18	Miquel (7) 1:7 9:10,11,25 41:10 47:9 64:16		Notary (6) 1:23 3:17,23 63:24 65:5 66:25
	materials (3) 24:11,17 25:2	missing (1) 19:2	named (10) 20:18,25 21:6 21:9,16,17 22:8 23:3 24:3,8	noted (1) 63:17
	matter (2) 61:15 65:16	moment (2) 10:23 27:3		notice (2) 50:15,20
	mean (10) 7:11 13:22 21:3,14 36:3	Monday (2) 17:25 18:4	names (5) 5:16 9:14	number (6) 51:14 59:4,7 59:13,19,23
		money (2) 32:22,22		numbered (1)

July 22, 2022

[Page 73]

27:22	24:21	66:6	31:24 32:4,19	phone (4)
<hr/> O <hr/>	open (4)	paid (13)	33:3 35:6,10	59:4,6,9,12
O (2)	32:21 34:16,17	28:19,20,22,25	35:20 37:14	physical (1)
3:2,21	62:4	31:25 33:10	37:18,25	11:23
oath (4)	operation (1)	40:15 43:17	38:19 39:21	physically (1)
4:6,7,11,12	17:10	43:20 51:19	39:23,24,25	38:8
objection (1)	operational (1)	51:21 62:4,5	40:4,5,8	pick (2)
59:25	49:4	paper (6)	42:13,19 43:4	9:3,5
objections (1)	opinion (1)	13:15 24:23	43:12,15,18	picking (1)
3:11	36:6	33:14 35:2,16	44:2,7,22	8:20
obligated (1)	order (4)	36:20	45:10 48:20	place (17)
17:6	1:22 19:14,14	papers (2)	48:22	1:22 6:4 8:15
obligation (4)	20:14	37:24 45:3	pays (1)	11:19 14:18
33:20 34:2	orders (1)	part (4)	33:6	18:13,24
38:4 39:3	20:14	23:3 52:8,9,19	pending (1)	19:12 22:12
obtain (1)	outcome (1)	partially (4)	32:24	22:17 34:19
42:14	65:15	28:22,23,25	people (7)	41:15 45:7,24
obviously (2)	overdrawn (5)	29:2	22:10,14 23:5	57:14 61:13
5:25 9:21	31:14 33:15	particularly ...	26:11 28:14	62:10
October (1)	34:11,21 35:3	24:9	38:5 62:17	places (1)
41:22	overtime (6)	parties (2)	Pepe (15)	53:19
office (1)	43:23 44:3	3:6 65:13	10:5,10 11:25	Plaintiff's (5)
28:6	46:8,9,11,12	pay (13)	19:3,8 20:11	10:17,20 26:24
official (1)	owed (1)	28:7,15 31:24	21:12,14	44:18 64:18
50:20	32:22	33:8 36:12	22:18,18 23:4	Plaintiffs (2)
okay (21)	owned (6)	48:23 50:10	23:9 29:8	1:8 2:6
5:5 7:6 8:22,23	7:6,13 18:21	50:12,25 51:3	37:4 62:23	PLAINTIFF...
10:10 27:7,10	18:23,24	51:11,13	pepper (4)	64:9
28:10 30:9,17	21:11	62:13	21:15,17 22:7	plan (1)
30:21 31:7	owner (6)	payable (1)	23:12	62:19
34:8 39:21	23:6,8 48:25	40:18	percent (1)	please (5)
41:13 44:24	52:4 53:9,11	paycheck (1)	31:18	5:8,11 24:5
53:4 56:19	owns (2)	16:12	period (4)	47:24 62:2
58:2 60:17	52:24 53:4	Paychex (1)	8:14 50:4	plenty (1)
61:4	<hr/> P <hr/>	29:23	52:20,23	55:19
old (4)	P (3)	paying (2)	permission (2)	Plus (1)
6:6 38:19 54:6	2:2,2 3:2	28:14 32:19	16:14,17	21:25
54:7	P.C (1)	payroll (49)	person (1)	point (1)
once (1)	2:5	15:18,23 16:19	9:13	17:19
41:17	p.m (2)	16:21,22,24	personal (5)	Pointing (2)
one-page (2)	17:16,17	17:3 28:18,24	37:9 60:6,8,10	11:6,10
10:16 64:10	Page (5)	29:4,7,11,16	60:14	Port (6)
onions (1)	27:8 64:4,9,14	29:18,24 30:4	personally (2)	2:16 5:13
		30:7,12,17	14:11 42:9	22:10 23:15

July 22, 2022

[Page 74]

23:19 53:10 portion (2) 18:17,21 possession (3) 33:22,24 38:5 possible (1) 61:18 possibly (1) 59:2 power (1) 48:3 precise (1) 42:20 preferences (1) 60:12 present (4) 11:17,20 12:3 17:2 presently (1) 9:19 pretty (2) 11:25 54:3 previous (3) 6:19 22:24 28:4 previously (2) 6:5 26:24 printed (1) 33:16 Pro (1) 2:14 probably (4) 13:5 15:17 34:21 42:23 proceeding (1) 66:3 produce (2) 45:19 47:15 produced (1) 44:22 production (2) 30:10 64:13 products (1) 24:11	profile (2) 59:20,23 promise (1) 44:11 promised (1) 4:12 protected (1) 60:11 Public (6) 1:23 3:17,23 63:24 65:5 66:25 purchase (1) 20:13 purchasing (6) 19:17 20:3,5,8 20:11 25:11 pursuant (1) 1:22 pushing (1) 12:11 put (3) 13:6 31:19 32:22 <hr/> Q question (10) 3:12 14:5,13 15:20,20 24:5 24:13 29:19 29:19 36:25 questions (4) 4:4 47:22 57:18,20 <hr/> R R (2) 2:2 65:2 rarely (1) 46:9 rate (1) 48:23 read (3) 10:23 13:4,17 real (3)	7:7,13 53:11 really (10) 6:13 7:24 16:7 18:22 22:13 23:7,17 24:9 51:25 54:13 reason (9) 4:17 21:24 22:6 23:3,25 24:7 33:21 39:18 66:6 recall (29) 6:13,15 7:20 7:24 15:3 25:24 26:4 28:21 29:5 40:22 46:3,7 46:10 49:25 50:3,7,14 51:25 52:5,8 52:10,18,18 52:21,23 53:8 53:14 55:21 63:4 receive (1) 25:9 received (3) 30:10 38:16 44:17 recognize (2) 10:21,25 record (16) 5:9,12 24:10 25:4,5,11,13 25:21 26:5 33:7 35:10,18 35:20 47:15 64:15 65:10 recording (1) 8:18 records (39) 16:25 24:14 25:17 30:7,12 30:17 31:23	33:20 35:8 36:7,18,18,19 36:21 37:19 37:25 38:18 39:4,11,22,25 40:5,9,11,14 40:17 42:13 42:19,22,24 43:4 44:2,7 45:10 48:17 48:19,20,21 57:20 red (19) 21:5,6,9,17,20 22:2,7,8 23:9 23:10,10,12 23:13,13 24:2 24:4,6,7,8 referring (2) 18:9,15 regard (2) 27:21 43:3 regular (2) 7:18 51:18 related (1) 65:13 release (2) 13:11,15 remaining (1) 27:21 remember (7) 28:21 29:12 35:7 41:16 45:5 59:3,8 remind (2) 58:16 61:12 Renato (11) 19:21 20:5 26:8,10,11,18 46:21,22,24 46:25 47:3 rent (2) 6:3 28:7 Repeat (1)	24:13 reporter (2) 1:23 65:4 request (15) 17:2,8 27:8,15 27:19 28:11 30:10 36:12 38:3,16,17 39:3 44:17 45:19 48:19 requested (1) 13:12 requests (5) 27:12,22,24 30:23 64:13 reserved (1) 3:12 reside (1) 5:20 residence (1) 5:19 respective (1) 3:5 response (2) 27:19 30:23 responses (1) 4:14 responsive (6) 27:12,15,24 28:11 38:17 45:19 restate (1) 46:21 restaurant (1... 6:2 7:12,17 10:10 21:9,12 21:17,20 22:7 22:25 24:12 24:18 25:15 25:18,22 restaurants (3) 24:3,8 53:19 retrieve (1) 45:8
--	--	---	---	---

July 22, 2022

[Page 75]

return (1) 37:9	2:2 3:2,2,21,21	54:21,22,25	sign (10) 9:22 11:14	skinny (1) 42:12
reviewed (1) 66:3	salary (1) 50:10	sell (3) 6:10,16 7:5	12:14,18,24	small (3) 24:22,25 62:25
Reviewing (6) 10:22 27:5,10	Saldano (1) 53:10	send (8) 12:17,17 13:15	14:19 15:22	smaller (1) 19:12
27:20,25	Santos (16) 1:6 8:4 9:24	14:20 16:21	16:21 23:24	sold (2) 6:24 7:16
28:13	26:6 40:15	17:8 31:5,12	50:22	someplace (1) 5:24
right (10) 5:24 9:20 11:6	41:12,14,24	sent (4) 31:16,19 61:4	signatory (2) 49:7 63:7	son (1) 18:11
16:7 30:11	43:3 46:15	61:5	signature (12) 11:5,8,9,12	sorry (2) 51:6 63:4
33:10 34:12	48:7,18 49:11	separate (5) 20:16,17 25:11	14:25 15:5,13	sound (1) 34:23
41:17 52:2	49:13,17	59:19,22	47:17,18	sounded (1) 22:6
58:8	61:22	September (1) 41:22	64:17,18	sounds (2) 21:25 22:9
Road (1) 1:15	saved (1) 35:4	set (1) 65:8	66:22	Spanish (1) 13:3
room (1) 61:21	saying (1) 58:2	settled (2) 6:25 7:21	signed (21) 3:16,18 11:3	speak (5) 12:25 13:2
rosso (54) 1:10 8:8 10:2,6	says (5) 9:2 32:7,9,12	seven (3) 26:3 55:12,20	11:17,20,24	38:22 55:16
10:10 12:2	66:3	seven-page (1) 27:2	12:4,6,6,16	57:9
17:11 18:18	schedule (2) 52:7,10	sexual (1) 60:12	12:20 13:9,16	Speakeasy (1) 54:7
18:21 19:2,3	scheduled (1) 50:5	SHEET (1) 66:1	13:22 14:17	speaking (1) 8:8
19:4,8,9,17	schedules (2) 48:6,12	short (2) 8:14 42:6	14:19 15:17	special (2) 21:24 22:13
20:6,8,11,18	Se (1) 2:14	shorthand (2) 1:23 65:4	15:24 16:19	specifics (1) 60:10
20:24,25 21:3	sealing (1) 3:6	show (18) 10:14,19 14:18	16:20 47:19	spoke (10) 56:5,6,10,16
21:12,14	search (5) 27:11,14,17,18	26:23 32:3	signing (1) 16:18	57:13 58:6,8
22:15,18,18	27:23	33:18 42:14	similarly (1) 23:4	58:13,25 61:3
23:4,4,6,10	searched (1) 15:25	42:20,24 43:4	single (1) 44:22	spoken (1) 55:13
23:10,16 24:8	second (1) 32:6	43:7,10,13,16	Sir (1) 39:7	spread (3) 50:25 51:3,11
26:15,17,21	secretary (2) 61:15,20	43:19,22 44:2	situation (1) 12:9	started (4) 42:15,17,20
29:8 31:7	see (7) 11:14 29:15,24	62:10	six (8) 17:20,20,22,23	
37:3,4,14	35:17 45:12	showing (1) 25:21	18:7 26:3	
39:25 48:25	45:13 54:18	shut (2) 41:18,20	55:12,20	
49:5,8,20	seen (4)		skin (1) 42:12	
52:4,14 53:16				
61:24 62:22				
62:23 63:8				
run (5) 18:13 19:5,11				
19:15 24:22				
<hr/> S <hr/>				
S (5)				

July 22, 2022

[Page 76]

43:5 state (6) 1:23 3:24 5:8 5:11 50:19 65:5 stated (1) 44:5 statement (1) 33:14 STATES (1) 1:2 staying (1) 5:24 STEVEN (1) 2:9 STIPULAT... 3:4,10,15 stop (1) 26:12 stopped (3) 9:17 42:25 43:7 story (1) 9:21 straight (1) 16:19 Stream (2) 6:7,10 street (4) 2:7 23:20,23 23:24 stress (1) 18:12 stuff (11) 19:6,11,15 23:11 24:25 31:3,19 38:7 60:13,14 61:9 subjects (1) 60:10 Subscribed (2) 63:21 66:22 sued (2) 6:17 27:6	suffering (1) 4:21 summarize (2) 9:24 31:7 supplies (4) 19:2,9 20:14 24:18 suppose (3) 47:12,13 51:15 supposed (6) 18:22 51:5,13 51:19,20 62:5 sure (2) 11:25 32:5 swears (2) 9:3,6 switched (2) 17:20 18:2 sworn (6) 3:18,23 63:21 65:8 66:2,22 <hr/> T T (4) 3:2,2 65:2,2 take (6) 4:7 10:23 14:17 15:7 19:7 27:3 taken (2) 1:22 66:3 takes (1) 9:15 talk (12) 12:7,9 13:14 55:21,23 56:3 56:13,17 57:12 58:24 60:23 62:21 talked (3) 9:7 58:12 60:25 talking (14) 6:21 7:8 8:19	9:23 24:20,21 25:25 26:3 30:9 34:15,18 34:22 41:8,11 tax (2) 16:18 37:9 taxes (2) 15:16 16:11 tell (11) 4:12 18:20 22:11 25:6 30:21 32:18 56:9 57:22 58:10,13,20 tells (3) 36:3 41:23 50:21 ten (1) 55:17 testified (7) 3:25 18:25 34:10 55:24 56:19,20 58:3 testify (1) 4:18 testifying (2) 4:8 31:15 testimony (11) 58:5,20,22 60:19,24,25 61:6 64:2 65:7,10 66:4 text (10) 59:15,16 60:2 60:18,21 61:3 61:4,5,9,11 Thank (1) 63:15 thing (17) 7:15 12:6,17 12:23 13:16 26:10 30:14 30:25 33:11 33:12 35:3,5	35:5 36:2,22 36:22 38:24 things (14) 7:14,15 18:5 19:12 20:12 20:12,17 24:25 25:12 35:2 55:23 60:6,7,8 think (7) 9:16 14:11 23:22 35:24 61:3,3,17 three (10) 6:12,13,14,24 26:2 34:20 38:23,25 41:21 47:5 time (38) 1:22 3:13 6:7 6:23 7:19 8:14 10:3,7 13:21 15:8 16:10 18:7,10 19:5,11,20 20:4 21:11 28:12 29:25 36:15 40:25 48:16 50:4,16 50:21 51:22 52:8,9,19 55:22 57:14 61:2,2,9 62:3 63:16,17 times (17) 22:2,3,4 37:20 38:22,23 46:3 54:19,25 55:8 55:9,12,12,13 55:15,18,20 title (2) 50:8 52:11 Tizzano (15) 1:10 11:8	18:15,17,24 18:25 53:15 54:18 55:2,5 55:14 56:10 59:14 60:3 63:7 Tizzano's (2) 26:25 59:6 today (5) 4:4,14,19 31:15 44:22 today's (1) 10:18 told (27) 8:23 12:10,16 12:18,21,23 13:10,18 16:20 18:23 26:18 30:6,12 37:21 42:11 45:22 56:14 57:15,22 58:23,24 61:14,19,20 62:6,8,12 tomatoes (4) 24:20 25:7,8 25:12 touch (1) 61:20 transcript (2) 65:9 66:3 translate (1) 13:8 trial (3) 1:21 3:13 36:15 tried (3) 18:11 44:8 45:2 true (2) 19:5 65:10 truth (4) 4:13 8:25
--	---	---	---	---

July 22, 2022

[Page 77]

57:13 59:2 truthful (1) 4:13 truthfully (2) 4:18 57:2 try (7) 18:13 23:12 30:22 34:3 44:12,12 45:8 trying (2) 18:6 29:12 Tuesday (1) 18:4 twelve (2) 7:12,18 twenty (2) 22:25 58:19 twenty-five (1) 22:25 twice (1) 39:14 two (10) 6:12,12,14 12:5 18:3 20:17 24:8 38:23 42:2 47:4	57:2 unfortunatel... 62:15 UNITED (1) 1:2 upcoming (1) 44:14 upset (1) 12:8 upsidedown ... 7:16 uptown (51) 1:10 8:6,8 9:16 10:2 17:11 18:18,21 19:2 19:4,9,11,18 20:6,9,18,24 20:25 21:6,9 21:20 22:2,3 22:8,15 23:4 23:6,13,16,16 23:17,21,23 25:9 26:15,17 26:21 31:8 37:3,14 39:25 48:25 49:5,8 49:20 52:4,14 53:16 61:24 62:22 63:8 use (2) 9:14 25:8	Vasques' (2) 15:13 16:12 vendors (3) 33:7,9,9 verbally (1) 13:10 video (1) 8:18 Visco (2) 53:13,13 <hr/> W <hr/> wage (3) 50:15,20,21 wait (4) 14:4 15:9,10 32:6 waived (1) 3:8 walk (1) 13:14 want (18) 7:22 11:3 12:7 12:7,9,23 13:12,13 14:19 22:10 31:17 34:11 36:13 38:10 53:7 57:20 60:9,15 wants (2) 9:22,22 Washington ... 2:16 5:14 22:10 23:15 23:19 53:10 wasn't (4) 19:10 34:10 37:23 43:2 water (2) 23:18,20 way (9) 12:13 25:24 27:16 42:8	45:22 51:14 58:17 62:8 65:15 we've (2) 38:11 58:18 week (16) 17:18,21 18:3 43:11,14 45:25 46:4,19 51:6,15,24 52:3 54:19,25 55:8,9 went (14) 6:22 7:16 19:6 19:15,25 20:20 41:18 47:5 55:10 56:21,25 57:8 58:2,7 weren't (1) 18:5 whatsoever (1) 25:4 wife (1) 18:10 withdrawn (1) 31:4 withhold (1) 16:11 withholding ... 15:16 witness (8) 3:22 4:9,15,20 4:24 5:3 64:4 66:22 witness(es) (2) 65:7,11 wondering (1) 8:19 word (2) 13:17,18 words (1) 13:7 work (22)	8:15 9:18 14:8 14:9,24 41:24 42:4 46:2,5 46:10 48:6,12 51:16,17 52:7 53:15 54:16 55:15,21,22 58:18 62:4 worked (16) 8:6,13 10:2 19:22 43:11 43:14 44:4 46:6,8,9,20 48:16 51:7 52:20 55:5 62:11 working (13) 7:18 9:17 10:9 42:15,17,21 42:25 43:5,8 46:15,19 51:5 62:4 workplace (1) 5:23 works (2) 9:20 10:5 wouldn't (1) 57:17 wrong (1) 61:17 <hr/> X <hr/> x (2) 1:5,13 <hr/> Y <hr/> yeah (10) 8:13 14:24 16:20 19:5 21:8 22:17 28:14 33:23 54:22 58:6 year (5) 36:11 40:24 42:5 44:19
--	---	---	--	--

July 22, 2022

[Page 78]

45:18 years (40) 6:12,13,14,24 7:8,12,18 8:7 22:25,25 26:2 26:3 29:6 34:7,9,16,17 34:20,22,24 35:25 36:5,7 36:11 38:19 38:24,25,25 41:21 42:2,2 42:17 44:10 45:13 47:5 53:21,24,25 54:24 58:19 yesterday (2) 61:8,11 York (11) 1:3,16,24 2:8 2:16 3:24 5:14 6:8 50:19 54:5 65:6 <hr/> Z <hr/> 0 <hr/> 07/22/2022 (1) 66:3 <hr/> 1 <hr/> 1 (3) 27:9,15 30:23 10 (1) 64:10 10.00 (1) 50:22 10:00 (1) 1:19 100 (1) 31:17 11-Zero (1) 22:3 11:20 (1)	63:17 11050 (2) 2:17 5:14 11581 (1) 6:8 11747 (1) 2:8 12:00 (3) 17:12,14,15 16,000 (1) 7:23 17,000 (1) 7:23 1st (2) 49:23 52:17 <hr/> 2 <hr/> 2 (1) 27:19 2:20-CV-040... 1:4 20 (1) 66:23 200 (1) 1:15 2016 (5) 40:24 42:18 49:23 50:2 52:17 2018 (4) 41:21,22 49:24 52:17 2022 (12) 1:18 12:14 27:2 54:21 55:2,14,25 56:4 57:7 60:4 61:7 63:22 20th (1) 49:23 21 (7) 10:15,17,20 27:23 30:24	64:10,19 22 (2) 1:18 56:11 24 (7) 2:15 5:13,19 52:24 53:2,4 53:11 <hr/> 3 <hr/> 3 (2) 27:22 55:25 3rd (10) 27:2 54:20 55:2,14 56:4 56:11 57:7 58:20 60:3 61:6 <hr/> 4 <hr/> 47 (1) 64:15 <hr/> 5 <hr/> 5 (4) 2:7 27:8 28:11 64:5 516)262-997... 59:13 516)633-797... 59:5 <hr/> 6 <hr/> 664 (3) 6:7,16 7:7 6th (1) 12:14 <hr/> 7 <hr/> 8 <hr/> 8 (2) 26:25 44:18 <hr/> 9 <hr/> 9.00 (1)	50:22 9:00 (3) 17:13,15,17	
--	---	--	---	--